URBAN/MUNICIPAL
CA4 ONHBL A08
79B323 PART II

LICENSING BY-LAW

CITY OF HAMILTON

PART II

FOR NEWEST BY-LAW AMENDMENT SEE:
CA4 ONHBL A08 B91 (1998)
CITY OF HAMILTON LICENSING CODE 1998
A BY-LAW TO LICENCE & REGULATE VARIOUS BUSINESSES
SPIRAL BOUND BOOK

THE CONSOLIDATION OF THE BY-LAW IS PREPARED FOR CONVENIENCE ONLY, FOR ACCURATE REFERENCE PLEASE CHECK FOR ORIGINAL BY-LAW

Bill No. *D-78*

The Corporation of the City of Hamilton

BY-LAW NO. 95- *215*

To Amend:

By-laws 93-069 and 80-259

Respecting:

FINES

WHEREAS various trades, calling businesses and occupations are licensed through By-law 93-069, and second level lodging houses are licensed through By-law 80-259;

AND WHEREAS the Municipal Act, R.S.O. 1990, c.M-45, section 329, has been amended to provide for an increase in the maximum fines for licensing by-laws, from $5,000 for each offence as previously provided in the Provincial Offences Act, R.S.O. 1990, c.P-33;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 20 of the 25th Report of the Finance and Administration Committee, at its meeting held on the 31st day of October, 1995, directed that the by-laws be further amended to provide for the increased fines;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Licensing By-law No. 93-069 as amended, be further amended by repealing and replacing section 18 with the following:

"18. (1) Subject to (2), every person who contravenes this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding $25,000.00.

(2) Where a corporation is convicted of an offence under this by-law, the maximum penalty that may be imposed on the corporation is $50,000.00 and not as provided in (1)."

2. Licensing By-law No. 80-259 as amended, be further amended by repealing and replacing subsection 49(1) with the following:

"49 (1) Subject to (1a), every person who contravenes this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding $25,000.00.

(1a) Where a corporation is convicted of an offence under this by-law, the maximum penalty that may be imposed on the corporation is $50,000.00 and not as provided in (1)."

3. In all other respects By-law 93-069 and By-law 80-259, both as amended, are hereby confirmed without change.

PASSED this *28th* day of November A.D. 1995.

CITY CLERK

MAYOR

Bill No. *D-68*

The Corporation of the City of Hamilton

BY-LAW NO. 95-*195*

To Amend:

Licensing By-law No. 95-173

Respecting:

ADULT VIDEO STORES

WHEREAS BY-LAW 95-173 was recently enacted, which by-law was intended to repeal and replace BY-LAW 93-045 pursuant to the approval of Council of Item 21 of the 18th Report of the Finance and Administration Committee, adopted by Council on July 11, 1995;

AND WHEREAS through typographical error BY-LAW 95-173 referred to "BY-LAW 93-069" instead of BY-LAW 93-045, and Council directs that corrections be made;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The references to "93-069" in the recitals and in subsection 29(3) of By-law 95-173 are repealed and replaced with "93-045".

2. By-law No. 93-069 as amended, as it existed on August 29, 1995, is confirmed not to have been repealed and remains in full force and effect.

3. In all other respects By-law No. 95-173 as amended, is hereby confirmed without change.

PASSED this *10th* day of *October* A.D. 1995.

City Clerk

Mayor

Bill No. *D-59*

The Corporation of the City of Hamilton

BY-LAW NO. 95- *173*

To replace By-law No. 93-069 for licensing, regulating and governing of stores in which adult videos are provided.

WHEREAS the Corporation of the City of Hamilton has the power to pass by-laws for licensing, regulating, governing, classifying and inspecting Adult Entertainment Parlours, to define the areas in which Adult Entertainment Parlours of any class may operate, and to limit the number of licences available;

AND WHEREAS By-law 93-069 provided for licensing of a class of adult video store and regulating of other stores providing adult videos;

AND WHEREAS Council directed the amendment of By-law 93-069 to licence all stores selling adult videos and other improvements to the regulations to prevent access by minors to adult materials in such stores, to delete two locations from areas where a class of adult video store is permitted, and to provide for a hearing to deny a licence;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this by-law:

(1) "adult video", subject to (2) means a video the content of which appeals to or is designed to appeal to erotic or sexual appetites or inclinations through the portrayal or depiction of:

(a) one or more of the specified body areas of any person, or

(b) one or more of the specified sexual activities;

(2) In the absence of evidence to the contrary, a video classified by the Ontario Film Board as "restricted", with the added information piece "adult sex film" shall be deemed to be an adult video, while a video without such classification and information piece shall be deemed not to be an adult video;

(3) "adult videotape area" means an identifiable part of any premises, which part is used for the provision of adult videos, or the display of adult videos or containers for videos depicting the specified sexual activities or specified body areas;

(4) "Class A adult video store" means any premises:

(a) used for the carrying on of the business of the provision of adult videos;

(b) in which adult videos are provided in the pursuance of a business and to which premises entry by persons under the age of 18 years is prohibited, or in respect of which premises it is advertised or notice is given that such entry is prohibited; or

(c) in which adult videos are provided in the pursuance of a business and in respect of which it is advertised, or notice is given either by signs or other advertising devices on or in the premises, or

otherwise, that the premises are an "adult video store", an "adult videotape store", an "adult video rental store", or are otherwise described by words of like meaning;

(d) And for certainty includes premises in which adult videos are provided in the pursuance of a business, where the number of adult videos available from the premises exceeds five hundred, or where the number of adult videos available from the premises is more than twenty percent of the videos available from the premises which are not adult videos, and does not include a Class B adult video store.

(4a) "Class B adult video store" means any premises where the number of adult videos available from the premises does not exceed five hundred and where the number of adult videos available from the premises is not more than twenty percent of the videos available from the premises which are not adult videos.

(5) "Corporation" means the Corporation of the City of Hamilton;

(6) "Council" means the council of the Corporation;

(7) "Licence Manager" means the manager of the Licensing Division or, in his or her absence, any person authorized to fulfil the responsibilities of the licence manager;

(8) "Licensing Committee" means The Licensing Committee of the City of Hamilton established by Council to conduct hearings for licensing matters;

(9) "Licensing Division" means the licensing division of the Clerk's Department of the Corporation, responsible for administration of this by-law;

(10) "operator" includes a proprietor, or any other person who alone or with others, manages, supervises, runs or controls a video store;

(11) "owner" means a person who alone or with others has a right to possess or occupy a video store or actually does possess or occupy a video store, and includes a lessee of premises used as a video store;

(12) "sell" includes to rent, and "for sale" includes for rent;

(13) "specified body areas" means any one or more of the following:

(a) in the case of a female person, her areolae; and

(b) in the case of all persons, the genitals and the anus;

(14) "specified sexual activities" means any one or more of the following: actual or simulated sexual intercourse, masturbation, ejaculation, sodomy, bestiality, oral sexual intercourse, direct physical stimulation of unclothed genital organs, or flagellation or torture in the content of a sexual relationship or activity;

(15) "to provide", when used in relation to any adult video, means to sell, by retail or otherwise, or to display or offer the sale, and "providing", "provided" and "provision" have corresponding meanings;

(16) "video" includes cinematographic or motion picture film, videotape, video disc and any other medium from which may be produced visual images that may be viewed as moving pictures;

(17) "video store" means any premises or part thereof in which videos are provided in the pursuance of a business, and includes an adult video store.

LICENCE REQUIREMENT

2. (1) Subject to section 3, every person being an owner or operator of a store, from which adult videos are provided, shall obtain and maintain in good standing a licence from the City under this by-law, authorizing the sale from the store of adult videos.

(2) No person shall carry on or engage in the business of providing adult videos from any store, unless a license has first been obtained for that store under subsection (1), and the licence fee paid in full.

(3) Where a person being the owner or operator of an adult video store, is licensed under this by-law, no employee of the store need obtain a separate licence.

3. (1) An owner or operator of a Class A adult video store shall obtain a Class A adult video store licence.

(2) An owner or operator of a Class B adult video store shall obtain a Class B adult video store licence.

DEFINED AREAS AND LIMITATION ON NUMBERS OF CLASS A LICENCES

4. (1) Schedule 1 to this By-law, which Schedule is annexed to and forms a part of this by-law, describes certain areas of the City, which are districts provided for and described in City of Hamilton Zoning By-law 6593 as amended, which areas shall be deemed to define an area for the purposes of this section and that Schedule.

(2) In respect of areas defined in Schedule 1 to this By-law, no Class A adult video store licence or licences may be granted except as permitted in that Schedule, or in a greater number than those specified in such Schedule.

(3) No person shall operate a Class A adult video store in the City except in an area provided in Schedule 1 and as permitted under this By-law.

ADMINISTRATION

5. The Licensing Division shall:

(a) receive and process all applications for licences and renewal of licences required under this By-law;

(b) administer the issuance of licences in accordance with the provisions of this By-law;

(c) maintain and keep records of all applications received and licences issued;

(d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

APPLICATIONS FOR LICENCES

6. (1) Every person applying for a licence under this By-law shall file with the Licensing Division a duly completed application form provided by the Licensing Division, in which the applicant shall provide all information sought in such application form.

(2) The applicant shall, at the time of the filing of the application form required under subsection (1), deliver to the Licensing Division the following:

(a) full payment of the licence fee, in the case of a Class A adult video store being $2,000.00, and in the case of a Class B adult video store being $150.00, which sums respectively are fixed for each licence and any renewal or transfer of such licences;

(b) if the applicant is a corporation, a copy of the incorporating document, a copy of the last information return filed for the corporation and any changes or corrections to the information contained;

(c) if the applicant is a registered partnership, a copy of the registered declaration of partnership and any changes or corrections to the information contained; and

(d) a copy of the registration of the trade name to be used for the store.

7. The applicant for a licence or renewal of a licence, subject to this by-law, shall provide at a minimum the following information as part of the application for a licence:

(a) the name and residence address of the applicant, or in the case of a corporation, those of the officers and directors, and in the case of a partnership, those of all partners;

(b) the address of the applicant and of the intended licensee, to which the Corporation or its Licensing Division may send or deliver any notice or other document required or authorized by law;

(c) the municipal address of the one building, premises or place from which business will be carried on and in respect of which a licence is sought;

(d) the name and address of the owner of any building, premises or place in which any such business is to be carried on;

(e) any trade or business description to be used;

(f) the telephone number of the business;

(g) a record of all offenses for which the applicant has been convicted, other than offenses relating to the operation of motor vehicles, under any by-law, provincial statute or federal statute in respect of the applicant, if the applicant is an individual, any of the partners, if the applicant is a partnership, or any of the directors and officers of a corporation, if the applicant is a corporation.

8. (1) If the applicant is not an individual, the application form shall be completed and updated from time to time as this By-law requires, by an individual duly authorized by the applicant to execute such form on behalf of the applicant and binding upon it, and the individual completing such form shall sign the form, certifying the truth and completeness of the information provided therein.

(2) The provisions of this by-law relating to an application for a licence shall apply, with necessary modifications, to an application for the renewal of a licence or to amend a licence, except that where the applicant, in writing and prior to expiry of the licence being renewed, notifies the Licensing Division that the information on file with the Licensing Division has not

changed, the applicant shall not be required to complete a new application form or amendment thereto in respect of an application for renewal.

9. (1) Upon the receipt of an application form by the Licensing Division, the Licence Manager shall carry out such investigation or verification relating to the application as he or she may deem necessary for the purposes of the administration of this By-law and shall submit the material to the Licensing Committee with a recommendation to issue the licence, unless the investigation or any other information available to the Licence Manager discloses :

(a) a reasonable ground to believe that the application is not in compliance with the By-law, or

(b) that the applicant may not be entitled to the issuance of a licence on the grounds referred to in this By-law or by reason of any other provision of this By-law or other applicable law.

(2) If the investigation or any other information available to the Licence Manager discloses reasonable grounds to believe that the applicant may not be entitled to the issuance of a licence on grounds referred to in this By-law, or by reason of any other provision of this By-law or other applicable law, the Licence Manager shall cause notice of this fact and the reasons therefor to be served upon the applicant at the address for notices shown on the application form, and may refer the matter to the Licensing Committee for the holding of a hearing under this By-law.

APPROVAL, DENIAL, REVOCATION AND SUSPENSION OF LICENCES

10. Where the Licence Manager has referred an application to the Licensing Committee for a hearing pursuant to section 9 or section 12 of this By-law, the Licensing Committee may, after a hearing, or after an opportunity for a hearing has been given to the applicant:

(a) grant the application in whole or in part and direct that the licence be issued, subject to compliance with this By-law;

(b) recommend that Council refuse in whole or in part to grant the application upon grounds contained in this By-law or otherwise by law;

(c) adjourn the application or make such other disposition as permitted by law.

11. An applicant for a licence who complies with the provisions of this By-law is, subject to the provisions of this By-law and section 109.1 of the Municipal Act, R.S.O. 1990, c. M-45, entitled to be issued a licence except where:

(a) there are reasonable grounds for belief that any application form or other document provided to the Licensing Division by or on behalf of the applicant contains a false statement or provides false information; or

(b) the past or present conduct of the applicant, or of any partner, in the case of an applicant which is a partnership, or of any director, officer, agent or employee of a corporation, if the applicant is a corporation, affords reasonable grounds for belief that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or

(c) there are reasonable grounds for belief that the carrying on of the said business will result in a breach of this By-law or any other law, including any applicable zoning requirement; or

(d) there are reasonable grounds for belief that the application does not meet all the requirements of this By-law, or that the business is carried on or intended to be carried on in an area of the City where such business is prohibited by this By-law from being carried on, or in respect of which the issuing of a licence in respect of the business is not permitted by this By-law; or

(e) there are reasonable grounds for belief that the building, premises or place in which the business is carried on or intended to be carried on does not comply with the provisions of this By-law, or with any other law, including any applicable building requirements, or is dangerous or unsafe; or

(f) the conduct of the applicant or of one or more of the persons referred to in paragraph (b) of this subsection affords reasonable grounds for belief that the carrying on of the business in respect of which the licence is sought would infringe the rights, or endanger the health or safety, of one or more members of the public; or

(g) the fee payable in respect of the licence applied for has not been paid.

12. (1) The Licence Manager may, where he or she has reasonable grounds to believe that any one or more grounds exist upon which a licence could be revoked or suspended, the Licence Manager shall cause notice of this fact and the reasons therefor, with notice to the licensee of a right to a hearing, to be served upon the licensee at the address for notices shown on the application form, and may refer the matter to the Licensing Committee for the holding of a hearing in accordance with this By-law and other applicable law.

(2) Where a matter has been referred to the Licensing Committee for a hearing under this section, and the applicant does not attend before the Licensing Committee at the time and place of which notice has been served upon such applicant in accordance with this By-law, the Licensing Committee may hold a hearing in the absence of the applicant without further notice to the applicant.

(3) Pursuant to section 109.1, subsections (7), (8) and (9) of the Municipal Act, R.S.O. 1990, c. M-45, where the licensee has requested a review of conditions imposed on the licence provided such conditions have been in place no less than one year, or where Council has decided to review a decision made under this by-law, the Licensing Committee may hold the review in place of Council.

13. (1) Upon the conclusion of a hearing conducted by a Licensing Committee under this By-law, where a recommendation has been made to deny or revoke a licence, or suspend a licence with or without conditions, the Licensing Committee shall as soon as practicable make a written report to the Council, summarizing the evidence and arguments presented by the parties, the findings of fact made and the recommendations, if any, with reasons therefor on the merits of the application or matter in respect of which the hearing has been conducted.

(2) After considering the report of the Licensing Committee provided under (1), Council may make any decision permitted under this By-law or section 109.1 of the Municipal Act, R.S.O. 1990, c. M-45, that might been made in respect of the hearing, without holding a further hearing or providing an opportunity for a further hearing to the applicant or licensee.

(3) Council may suspend a licence with or without conditions, or deny or revoke a licence pursuant to section 109.1 of the Municipal Act, R.S.O. 1990, c. M-45, pursuant to section 11, or upon the grounds of non-

compliance by a licensee with this By-law or other applicable law, provided that no licence shall be revoked or suspended except after a hearing by the Licensing Committee appointed by by-law for the holding of one or more hearings, or after an opportunity for such a hearing has been afforded to the applicant or licensee in accordance with the law.

(4) Council may notify the Liquor Licence Board of Ontario or any other licensing authority or other person, as it considers appropriate, of any action taken under this by-law.

TERMS OF LICENCES

14. Every licence issued under this By-law shall expire on December 31 of the year for which it is issued, unless sooner revoked or suspended.

15. A licence certificate issued under this By-law, and any form or document provided to a licensee or applicant for the insertion of information, is and shall remain the property of the Corporation, and shall be delivered forthwith to the Licensing Division upon the written or oral request of the Licence Manager.

16. A licence issued under this By-law:

(a) is personal to the licensee to which it was issued and may not be transferred by the licensee;

(b) is only authorization for the use of premises for which it was issued and as identified on the certificate, and may not be transferred by the licensee to a location different than the location for which it was issued, without the written approval of Council or the Licensing Committee that the transfer is in compliance with this by-law; and,

(c) is subject to the provisions of this by-law as may be enacted from time to time.

17. Where a licence has been revoked, the licensee is entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.

18. (1) Every licensee shall notify the Licensing Division in writing within four days after the event, of any change in any of the information contained in the application form.

(2) Where a change has occurred in the name or business name of a licensee the licensee shall attend within four days of the date of the change at the office of the Licensing Division, to have the licence and licence records amended accordingly.

NOTICE

19. (1) A notice given pursuant to this by-law shall be served personally, or by registered mail sent to the person at the last address appearing in the records of the Licensing Division.

(2) Service by registered mail shall be deemed to be made on the third day on the date of mailing, unless the person on whom service is being made established that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice or order until a later date.

REGULATIONS APPLICABLE TO ALL ADULT VIDEO STORES

20. Every licensee shall:

(a) prominently display the licence at the premises licensed at all times and shall produce the licence upon request by the Licence Manager, any by-law enforcement officer and any police officer;

(b) keep the premises in a clean and sanitary condition;

(c) maintain on the premises, during all business hours, a current list of all adult videos available on the premises, including the rating applied to the film by the Ontario Film Review Board and whether the film has been approved by the Board with the requirement to have affixed the designation of "Adult Sex Film", and make the list available for inspection by the Licence Manager, any municipal by-law enforcement officer or any police officer, and in the case of a Class B adult video store, the list shall indicate the number of all videos available and the number of adult videos available;

(d) advertise, promote and carry on such business only under the name in which the licence is issued, or such other business or trade name as provided to the Licensing Division in writing and added to such licence;

(e) not permit viewing of adult videos on the premises.

REGULATIONS APPLICABLE TO CLASS A ADULT VIDEO STORES

21. (1) No owner or operator of a Class A adult video store shall permit any person under the age of eighteen years to enter or remain in such store.

(2) No owner or operator of a Class A adult video store shall permit any employee to work in that part of the video store in which adult videos are provided, unless such employee is of the age of eighteen years or older.

22. (1) Every owner or operator of a Class A adult video store shall post and keep posted at every entrance to the video store, and in a prominent location inside such store, signs sufficient to indicate clearly to any person approaching or entering the store, and to every person in the store, that no person under the age of eighteen years is permitted to enter or remain in such store or any part thereof.

(2) No owner or operator of a Class A adult video store shall use exterior signs or advertisements for the store which use a pictorial representation of a specified body areas or a specified sexual activity.

REGULATIONS APPLICABLE TO CLASS B ADULT VIDEO STORES

23. In this part, an adult video shall include the container of an adult video which appeals to or is designed to appeal to erotic or sexual appetites or inclinations through the portrayal or depiction of:

(a) one or more of the specified body areas of any person, or

(b) one or more of the specified sexual activities;

24. No owner or operator of a Class B adult video store shall permit any person under the age of eighteen years to enter or remain in any part of the video store where adult videos are displayed for sale.

25. (1) An owner or operator of a Class B adult video store shall designate an area of the video store as an adult videotape area, for the display area of all adult videos for sale from the premises, being an area identified and separated by the signs, doors or otherwise as required by (2), which area may be the whole or a portion of the premises.

(2) An owner or operator of a Class B adult video store shall comply with the following regulations in respect of the adult videotape area designated under (1):

(a) Subject to (d), signs shall be posted at every approach and entrance to the adult videotape area, indicating that no person under the age of 18 years old is permitted to enter or remain in the designated area;

(b) Adult videos shall be displayed only in the adult videotape area;

(c) Adult videos which reveal a specified body area or a specified sexual activity, shall be displayed so that they may not be viewed by any member of the public outside the adult videotape area;

(d) Where the whole store is designated as the area for the provision of adult video tapes, signs shall be posted at each public entrance to the store;

(e) Where less than the whole store is designated as the adult videotape area, the owner or operator shall ensure that:

(i) entrances to the designated area shall be equipped with a solid, opaque, self-closing, full length door; and

(ii) all adult videos or video covers and jackets, which display the specified body areas or specified sexual acts, being transported from the designated area to the cashier if outside the designated area, shall be enclosed in an opaque bag or other container, so that such pictorial content is not visible.

(3) An owner or operator of a Class B adult video store providing adult videos shall be responsible for informing any employees of the video store of the boundaries of the adult videotape area designated under (1) and the requirement that persons under the age of 18 years old not be allowed to enter or remain in the area designated.

(4) No owner or operator of a Class B adult video store shall permit a person under the age of eighteen years to enter or remain in the adult videotape area designated by the owner or operator under this section.

FINE

26. (1) Subject to (2), every person who contravenes this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding $25,000.00, or to imprisonment for a term not exceeding one year or to both, in addition to costs and other penalties provided in law.

(2) Where a corporation is convicted of an offence under subsection (1), the maximum fine imposed on the corporation is $50,000.00, exclusive of costs, and not as provided therein.

SEVERABILITY AND SAVING

27. Should a court of competent jurisdiction declare a part or the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

SHORT TITLE

28. This by-law may be referred to as the "Adult Video Store By-law", and licences issued under this by-law may be referred to as "Adult Video Store Licences".

EFFECTIVE DATE

29. (1) Subject to (2), this by-law comes into force and effect on the date of enactment.

(2) Notwithstanding the provisions of this by-law, an adult video store which is not licensed as a Class A adult video store on the date of enactment, but which exceeds the percentage or number of adult videos for a Class B adult video store as defined, shall be deemed to require a Class B adult video store licence, and shall have one year from the date of enactment of this by-law to comply with respect to the number and percentage of adult videos permitted for a Class B adult video store.

(3) City of Hamilton By-law 93-069 is hereby repealed.

PASSED this *29th* **day of** *August* **A.D. 1995.**

City Clerk **Mayor**

SCHEDULE 1 TO BY-LAW NO. 95- 173

(Section 4)

1. (1) Subject to this by-law, that part of premises at each of the following municipal addresses in actual use as an adult video store as of February 23, 1993, is hereby defined as an area in which one adult video store is permitted to operate and eligible to be licensed as a Class A adult video store, for so long as such part of such premises continues to be lawfully used for such purposes, if the store is in compliance with all other applicable law :

   (a) 212 John Street South, Hamilton,

   (b) 8 Fennell Avenue West, Hamilton,

   (c) 478 King Street East, Hamilton, and

   (d) 128 Parkdale Avenue North, Hamilton.

   (2) The areas provided in subsection (1), shall be deemed to include that part of the premises in respect of which application was made, prior to February 24, 1993, for a building permit for alterations to enable the expansion of the existing Class A adult video store, provided that the building permit is granted.

2. In addition to the areas defined in section 1 of this Schedule and subject to this by-law, a Class A adult video store may be operated in a "J" District, "K" District, or "M-11" District as provided and described in City of Hamilton Zoning By-law 6593 as amended, provided however, that the Class A adult video store shall be located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district, as also provided and described in Zoning By-law 6593 as amended, and further subject to compliance with all applicable law including the enactment by the Council of all amendments to its zoning by-laws.

3. (1) Subject to (2), the total number of Class A adult video store licences to be granted under this by-law is 4.

   (2) The total number of Class A adult video store licences to be granted under this by-law shall be reduced from 4, as the licences expire without renewal by the licence holder or as the licences are otherwise surrendered or lawfully revoked, until the number of licences is reduced to 2.

Bill No. *D-58*

The Corporation of the City of Hamilton

BY-LAW NO. 95-*172*

To Amend:

Schedule 4 of Licensing By-law No. 93-069

Respecting:

INTERIOR ADVERTISING IN TAXI-CABS

WHEREAS taxi-cabs are licensed, regulated and governed by Schedule 4 to Licensing By-law No. 93-069 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 19 of the 7th Report of the Finance and Administration Committee, at its meeting held on the 27th day of June, 1995, directed that Schedule 4 of By-law No. 93-069 be further amended to allow rear window advertising on a six month trial basis;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 19 of section 12 of Schedule 4 to Licensing By-law No. 93-069, as amended in By-law 93-043, is further amended by adding the following as sub-paragraph (1b), immediately after sub-paragraph (1a) :

> "(1b) In addition to the advertising permitted in sub-paragraphs (1) and (1a), advertising is permitted on the rear window of the taxi-cab, provided it is transparent from the interior of the taxi-cab so the driver is able to observe traffic and objects through the rear window of the vehicle; and "

2. Section 1 of this by-law comes into force on June 30, 1995, and is deemed repealed at midnight on December 31, 1995.

3. In all other respects By-law No. 93-069 as amended, is hereby confirmed without change.

PASSED the *29th* day of *August* A.D. 1995.

City Clerk

Mayor

Bill No. *D-57*

The Corporation of the City of Hamilton

BY-LAW NO. 95-*171*

To Amend:

Licensing By-law No. 93-069

Respecting:

EATING ESTABLISHMENTS

WHEREAS eating establishments are licensed, regulated and governed by Schedule 8 to Licensing By-law No. 93-069 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 21 of the 7th Report of the Finance and Administration Committee, at its meeting held on the 27th day of June, 1995, directed that Schedule 8 of By-law No. 93-069 be further amended to provide classification for take out restaurants and removing the requirement for public hall licensing where dancing or entertainment is provided incidental to the eating establishment;

AND WHEREAS Council intends the licence fee for take out licences be $20.00;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule 8 to Licensing By-law No. 93-069, is repealed and replaced with Schedule "A" , which is attached to and forms a part of this by-law.

2. Section 8, of Schedule 45 to By-law 93-069 is amended by adding the following, after subsection 8(d) as subsection 8(e) :

"(e) For a take out restaurant, $20.00."

3. In all other respects By-law No. 93-069 as amended, is hereby confirmed without change.

PASSED this *29th* day of *August* A.D. 1995.

City Clerk

Mayor

SCHEDULE 8

EATING ESTABLISHMENTS

Interpretation

1. In this Schedule,

(a) "eating establishment" means an eating establishment for which a licence may be required by by-law pursuant to the provisions of the paragraph 5 of section 234 of the Municipal Act, R.S.O. 1990 c. M-45, and includes,

(i) "restaurant", which means an eating establishment where food is prepared on the premises and which has seating accommodation for more than fifteen persons;

(ii) "lunch counter", which means an eating establishment which has seating accommodation for not more than fifteen persons;

(iii) "refreshment stand", which means an eating establishment where only food already prepared for immediate consumption by the public without cooking, is served;

(iv) "drive-in restaurant", which means any eating establishment where carry-out service to patrons in motor vehicles is provided; and

(v) "restaurant, take out", means an eating establishment where food is prepared and offered for sale to be consumed elsewhere, and which does not provide seating accommodation.

Licence Required

2. No person shall, in the City of Hamilton, carry on any business of an eating establishment, without a licence under this by-law, entitling the person so to do.

Provided that the keeper of a hotel, within the meaning of section 216 of the Municipal Act, R.S.O. 1990 c. M-45, shall not be required to hold an eating establishment licence to provide non-intoxicating drinks and beverages, or conduct an eating establishment, in that behalf.

Duties Of Operator

3. Every person carrying on the business of an eating establishment shall be responsible,

(a) Condition of the Premises: That the premises are kept clean and orderly and maintained in all respects reasonably suitable for the purpose for which they are used, and kept suitably lighted and ventilated.

(b) (Repealed)

(c) (Repealed)

4. The licence fees are provided in section 8 of Schedule 45 of this by-law.

Bill No. *D-56*

The Corporation of the City of Hamilton

BY-LAW NO. 95-*170*

To Amend:

Licensing By-law No. 93-069

Respecting:

REFRESHMENT VEHICLES

WHEREAS refreshment vehicles are licensed, regulated and governed by Schedule 16 to Licensing By-law No. 93-069 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 20 of the 7th Report of the Finance and Administration Committee, at its meeting held on the 27th day of June, 1995, directed that Schedule 16 of By-law No. 93-069 be further amended to provide for types of vehicles, definitions, changes in who must comply and the regulations to be complied with;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule 16 to Licensing By-law No. 93-069, is repealed and replaced with Schedule "A" , which is attached to and forms a part of this by-law.

2. In all other respects By-law No. 93-069 as amended, is hereby confirmed without change.

PASSED this *29th* day of *August* A.D. 1995.

City Clerk

Mayor

SCHEDULE 16

REFRESHMENT VEHICLES

1. (a) In this Schedule, "refreshment vehicle" means a vehicle from which refreshments are sold for consumption by the public.

(b) For the purposes of description and regulation, the types of vehicles are named as follows:

(i) "refreshment cart", means a wheeled, non-motorized refreshment vehicle, other than a refreshment cycle;

(ii) "refreshment cycle", means a non-motorized bicycle or tricycle;

(iii) "motorized refreshment vehicle"; and

(iv) "ice cream vehicle", which means one of the above types of vehicles from which the food sold is or includes ice cream, frozen desserts or other frozen confections.

Licence and Applications

2. No person, without being licensed under this by-law to do so, shall in the City of Hamilton engage in or carry on the business of selling, from a vehicle, refreshments for consumption by the public.

3. A person applying for a refreshment vehicle license shall supply with the application:

(a) A list of the types of refreshments to be sold, specifying whether the items include ice cream, frozen desserts or other frozen confections;

(b) Particulars of the type of vehicle, including the serial number, and in the case of a motorized refreshment vehicle, the particulars required by subsection 3(6) of this by-law and a valid and current Safety Standards Certificate as issued by the Ministry of Transportation for the vehicle;

(c) Name and address of business under which the refreshment vehicle or vehicles will be operated;

(d) And shall submit the vehicle to be licensed for inspections and reports by a Licence Inspector and a Health Inspector, the results of which may be used in considering the application.

4. No person shall engage in or carry on the business of selling, from a vehicle, refreshments for consumption by the public, unless a separate licence has been obtained for each vehicle so used.

5. (1) To be licensed, and to continue to be licensed for use, a refreshment vehicle shall be equipped and maintained as follows:

(a) with a clean compartment for the storage of food, and in the case of an ice cream vehicle, the compartment shall be refrigerated; and

(b) with a suitable refuse container.

(2) No person shall carry on or engage in the business of selling refreshments for public consumption from a refreshment vehicle, unless the refreshment vehicle is equipped and in the condition required in (1).

(3) To be licensed, and to continue to be licensed for use, an ice cream vehicle shall additionally be equipped and maintained as follows:

(a) with the warning "WATCH FOR CHILDREN", in readily legible black letters at least six inches high on a yellow background, conspicuously displayed on the rear of the vehicle;

(b) with a minimum of two amber lights on top, so placed as to be readily visible by a person five feet in height standing four feet in front of or behind the vehicle, and equipped with a device to keep the lights flashing while the vehicle is stopped for the sale of refreshments; and

(c) that the vehicle's rear bumper shall have an angled cover on top designed and placed so as to prevent a child from standing or sitting on top.

(4) No person shall carry on or engage in the business of selling refreshments for public consumption from an ice cream vehicle, unless the vehicle is additionally equipped and in the condition required in (3).

Regulations and Prohibitions

6. (1) In this section and section 8, "eating establishment" means a building or premises where food is prepared and offered for sale to the public, to be consumed either therein or elsewhere.

(2) A person, being the owner or operator of a licensed eating establishment, and being licensed under this by-law for a refreshment vehicle, may operate the refreshment vehicle on the premises of the eating establishment without having to comply with paragraph 8(1)(c)(ii) by being a certain distance from an eating

establishment, and without requiring the written permission of other eating establishments as provided in this section.

(3) Subject to (2), a person carrying on or engaging in the business of selling refreshments for public consumption from a refreshment vehicle, shall obtain:

(a) in the case of a refreshment vehicle being operated on private property, the prior written permission of the property owner,

(b) in the case of a refreshment vehicle being operated in public park, the prior written approval of the City, or

(c) in the case of a refreshment vehicle being operated within 100 yards of an eating establishment, the prior written approval of the owner of the eating establishment.

(4) A person carrying on or engaging in the business of selling refreshments for public consumption from a refreshment vehicle, shall provide the written approval or permission required under (3) to a licence inspector, by-law enforcement officer or police officer upon request.

(5) A person who has obtained the approval or permission required under (3), may operate from respectively, the private property or park, or within 100 yards of the eating establishment, notwithstanding paragraph 8(1)(c)(ii) of this schedule.

7. Every person engaging in or carrying on a business for which a licence is required under this schedule, shall be responsible:

(a) that the Chief Licence Inspector and the Chief Constable are notified in writing within six days of any change of address of the licensee or business;

(b) that no refreshment vehicle is used excepting those which are licensed under this by-law;

(c) that no such vehicle is used when not in safe operating condition;

(d) that no such vehicle is used for business without having affixed to the right hand side thereof, in a position in which it may most readily be seen, the City's current licence plate, and having no other licence number showing except the current provincial licence number or numbers; and

(e) that no motorized refreshment vehicle is driven by any person not currently holding a valid provincial driver's licence.

8. (1) A person operating a refreshment vehicle or engaging in the selling of refreshments from a refreshment vehicle shall comply with the following:

(a) Check each day, prior to use of the refreshment vehicle, that the vehicle is safe for operation, and shall not operate the vehicle unless it is, and is maintained, in safe operating condition;

(b) That there is no crying of wares, sounding of any chimes or use other audible means of recognition while the vehicle is in motion, or for more than five seconds at intervals of not less than five minutes, or in any residential area after eight o'clock in the evening or before eight in the morning;

(c) The vehicle shall not stop for the sale of any products:

(i) within 5 feet of an intersection;

(ii) subject to section 6, within 100 metres of any eating establishment, school ground, recreation ground, playground or public park;

(iii) for more than ten minutes at any one location on a residential street; or

(iv) without being properly parked;

(d) There shall be no service of any customer who is standing in the roadway;

(e) That all children and customers are safely away from the vehicle before putting it in motion;

(f) There shall not be any unnecessary washing or repairing of a vehicle in a street, alley or other public place; and

(g) At all times while the vehicle is stopped for the sale of food, the lights required by section 5 shall be flashing.

(2) A licence holder under this by-law shall not cause or permit the operation of the licensed vehicle or vehicles, contrary to (1).

9. (1) Subject to subsection (2), no person shall sell refreshments or confections as provided in paragraph 3 of section 234 of the Municipal Act, R.S.O. 1990, c. M-45, from a basket, wagon, cart or other vehicle upon paved portion of the highway maintained for the passage of motor vehicles, which does not include the side walk or boulevard, if the highway is a designated snow route.

(2) This section does not apply to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

10. The licence fee is provided for in section 16 of Schedule 45 of this by-law.

11. In addition to non-compliance with this by-law or other laws, the failure to comply with the Highway Traffic Act, R.S.O. 1990, c. H-8, or regulations under the Act, by a person while operating a refreshment vehicle, shall be grounds for the Licence Committee or City Council to consider suspension, revocation or the adding of conditions to the licence.

Bill No. D-40

The Corporation of the City of Hamilton

BY-LAW NO. 95-*117*

To Replace Schedule 22 to Licensing By-law No. 79-323

As Consolidated in By-law 93-069

Respecting:

TRANSIENT VENDORS

WHEREAS Council deems it expedient to replace Schedule 22 to Licensing By-law No. 79-323, as consolidated in By-law 93-069:

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Schedule 22 of By-law No. 79-323 as consolidated in By-law 93-069, as amended, be repealed, and the following substituted therefor:

S C H E D U L E 22

1. In this schedule,

(a) "trade" means trade, business, calling or occupation;

(b) "transient trader" means a person who offers goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offers them for sale in any other manner, and includes,

(i) any person commencing business in the City of Hamilton who has not resided continuously in the City for at least three months next preceding the time of commencing such business there; and

(ii) persons whose names have not been entered on the assessment roll, in respect of business assessment for the then current year; but

(iii) does not include a charitable organization or non-profit group or corporation selling goods, wares or merchandise, the proceeds from which are donated to, or used for charitable objects.

(c) A person who commences business by the display or offering of goods, wares or merchandise for sale at a particular location, may still qualify as a transient trader, whether or not the trade is conducted with the use of a building or fixtures.

2. Every transient trader shall obtain and maintain in good standing a licence authorizing the transient trader to carry on or engage in his trade.

3. No transient trader shall commence the sale of goods, wares or merchandise until a licence has been issued under section 2.

4. Every applicant for a licence or a renewal thereof shall make the application in person and not by an agent or representative.

5. Every transient trader shall pay a licence fee before commencing his trade.

6. No licence shall be issued where the fee has not been paid in full at the time of making the application.

7.(1) Every applicant for a transient trader's licence shall as part of the application for such licence furnish a statement in writing containing a full description of the goods, wares or merchandise that the transient trader proposes to sell or offer for sale under such licence.

(2) A licence issued under subsection (1) is only permission for the particulars supplied by the applicant under this section, and any change in the classes of goods sold will require a new or separate application.

8.(1) The licence fees are provided by section 22 of Schedule 45 of this by-law.

(2) The licenses issued under (1) shall expire three months from the date of issuance.

(3) The sum paid for a licence under this Schedule shall be credited to the person paying it, or to any purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.

(4) Every transient trader shall cause the licence to be prominently and permanently displayed in the transient trader's place of business during the full term in which the transient trader is carrying on business as a transient trader and in default thereof is guilty of an offence.

9. This by-law does not apply to:

(a) The sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock; and

(b) The sale of a business to a purchaser who continues the business.

2. This by-law comes into force and effect on the date of enactment.

PASSED this *9th* **day of** *May* **A.D. 1995.**

City Clerk **Mayor**

Bill No. *H-63*

The Corporation of the City of Hamilton

BY-LAW NO. 93- 241

To Amend By-law 93-069 Respecting Vehicles for Hire

WHEREAS By-law 93-069 provides for the licensing of trades and businesses, including for drivers and owners of various vehicles for hire;

AND WHEREAS it is desirable to provide for exemptions from licensing for vehicles transporting preschool children;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule 4 as amended, of Licensing By-law 93-069 is further amended by adding immediately after section 2e, a section 2f as follows:

2f. (1) A motor vehicle providing transportation under contract exclusively for preschool children, and operating in a manner distinct from taxi, is exempt from the requirement for an owners or drivers licence under Schedules 4 and 4a of this by-law.

(2) For the purposes of (1), the following shall apply:

(a) "Contract" means a written agreement to provide regular transportation services, for the taking of passengers to and from a specific location or to accommodate a need in common to the passengers in addition to transportation, with a term of at least one month, with fees for service fixed in the agreement and not by the metering of time or mileage of actual trips, and includes an agreement with a facility as opposed to the passengers;

(b) "Preschool children" means children under six years of age;

(c) "Taxi" means a vehicle with the following characteristics: providing transportation on demand, where the location of boarding of the passenger and the destination is unknown in advance of the request of the passenger, where the passenger chooses the destination, where there are no set routes, schedules or stops for boarding, and where any repeat or regular trips by a passenger or passengers are made based on the passengers need or needs for transportation without a relation to the special features of the vehicle; and

(d) "Manner distinct from taxi" means lacking one or more of the characteristics of a taxi.

2. In all other respects, By-law 93-069 as amended, is confirmed without change.

PASSED this 30th **day of** November **1993.**

CITY CLERK **MAYOR**

Bill No. *H-57*

The Corporation of the City of Hamilton

BY-LAW NO. 93-218

To Amend:

Schedule 4 of Licensing By-law No. 79-323

Respecting:

TAXI-CAB PRIORITY LIST AND PROCEDURES

WHEREAS it is desirable to close the priority list to the entry of new names, and provide for late renewal of names already entered on the list;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sections 20, 21, 22, 23, 24, and 25 of Schedule 4 to Licensing By-law No. 79-323, as amended and consolidated in By-law 93-069, are repealed and replaced with the following:

DEFINITION

20. The "Taxi-cab Priority List", means the list of names, addresses and dates of entry originally adopted by Council on July 25, 1989, as amended and as may be amended from time to time.

PRIORITY ONLY

21. The use of the Taxi-Cab Priority List is as a list of persons currently interested in taxi owner's licences and shall not oblige the City to issue a licence to anyone on the list, regardless of being at the top or the earliest entry, and its use shall be for the order of priority of persons entered on the list only.

CLOSURE OF LIST

22. (1) No names shall be added to the Taxi-cab Priority List, subject to the powers of the Licence Committee under this by-law and the powers of Council, and the Licence Administrator shall not receive or process applications for entry to the list.

TRANSITION

(2) Under the provisions of this by-law in force immediately before the coming into force of this section and notwithstanding subsection (1):

(a) The Licence Administrator may process an individual's application for entry on the Taxi-cab Priority List, where the application was received with the set fee on or prior to October 26, 1993;

(b) an individual may have their application for entry on the Taxi-cab Priority List considered by the Licence Committee where it was filed with the Licence Administrator at the Office of the City Clerk with the set fee on or prior to October 26, 1993; and

(c) the Licence Committee may add the individuals name and address to the Taxi-cab Priority List upon approval of the application above, along with the date the application was received.

RENEWAL

23. (1) Individuals whose names are on the Taxi-cab Priority List shall renew their entry on the list on or before September 30 of each year, by paying the prescribed fee and attending before the Licence Administrator at the Office of the Clerk, to confirm as accurate or amend the details of the entry.

(2) The Licence Administrator may receive and process renewals and fees for individuals on the Taxi-cab Priority List, note any changes, and submit an amended list to the Licence Committee for approval.

(3) An individual who fails to renew their entry on or before September 30, shall file with the Licence Administrator at the Office of the City Clerk a $100.00 late filing fee and attend before the Licence Administrator at the Office of the Clerk, to confirm as accurate or amend the details of the entry on or before December 31 of that same year, so as to have their entry maintained on the list at the prior position.

(4) Where an individual fails to meet the requirements of this section for renewal, the Licence Administrator shall delete their name from the Taxi-cab Priority List.

ISSUANCE OF TAXI OWNER'S LICENCES

24. (1) When Council gives approval for the issuance of additional taxi owner's licences, the Licence Administrator shall advise the Licence Committee of the numbers of licences to be issued.

(2) The Licence Administrator may then send notices to individuals on the Taxi-cab Priority List in number felt sufficient to complete the issuance of available taxi owner's licences, and arrange for hearings to be held on applications.

25. (1) An individual who is entered on the Taxi-cab Priority List, after being notified by the Licence Administrator under section 24, shall submit an application in compliance with the following:

1. The applicant shall file with the Licence Administrator within 14 days of the date of notice by the Licence Administrator and prior to consideration of the application by the Committee,

(a) a statutory declaration on FORM 1A annexed hereto as Appendix "B" to Schedule 4 that he or she has actually engaged in operating a taxi-cab full-time in the City as,

(i) a taxi-cab owner,

(ii) a licensed taxi-cab driver,

(iii) a taxi-cab dispatcher, or

(iv) a taxi-cab telephone service operator,

for a period of not less than two (2) full and consecutive years immediately preceding the date of consideration of the application by the Licence Committee; and

(b) either,

(i) a certified true copy by Revenue Canada of income tax returns for two consecutive years immediately preceding the date of consideration of the application by the Licence Committee; or

(ii) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of consideration of the application by the Licence Committee:

1. a certified copy of record of employment,

2. statements of insurable earnings as issued by the Unemployment Insurance Commission,

3. statements of contributions to the Canada Pension Plan as issued by Revenue Canada,

4. monthly charge statements as issued by a taxi-cab broker operating in the City of Hamilton,

5. original trip records, or

6. such other or equivalent documentation as the Licensing Committee may accept.

(2) (a) In the case of a taxi-cab driver, for the purposes of subsection 25(1)1.(a)(ii),

(i) "one full year" shall mean not less than 100 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 12 consecutive hours; and

(b) in the case of a taxi-cab dispatcher or telephone service operator, for the purposes of subsection 25(1)1.(a)(iii) and (iv),

(i) "one full year" shall mean not less than 150 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 8 consecutive hours.

(3) Upon issuance or denial of a taxi owner's licence to an individual under this by-law, the Licence Administrator shall delete the individuals name from the Taxi-cab Priority List.

(4) The Licence Administrator shall notify an individual that a taxi owner's licence may be issued, and the individual shall within fourteen (14) days of the date of giving notice submit proof of compliance with paragraphs 3 and 5 of section 12 of this Schedule.

(5) Notwithstanding the provisions of this part, the Licence Committee may,

(a) delete names of individuals from the Taxi-cab Priority List, or

(b) add names of individuals to the Taxi-cab Priority List in order of date of application.

2. In all other respects By-law No. 79-323, as amended and consolidated in By-law 93-069, is confirmed without change.

PASSED this 26th day of October A.D. 1993.

D. B. Holland

Acting City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 93-171

To Provide for the Hours of Operation for Monte Carlo Licences

WHEREAS the power to fix the hours of operation of Monte Carlos has been delegated to municipalities effective August 1, 1993;

AND WHEREAS the Corporation of the City of Hamilton, in By-law 79-323 as consolidated in By-law 93-069 (The City of Hamilton Licensing Code) provides for the hours of operation of public halls;

AND WHEREAS it is desirable to extend the hours of operation of Monte Carlo events to 4 a.m., and in conjunction to permit the hours of operation for public halls where such events may be held to be extended up to 4 a.m., when operating an event under a provincial Monte Carlo licence;

AND WHEREAS it is intended that the extended hours of operation of Monte Carlo events be on a six month trial basis from August 1, 1993;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 4 of Schedule 15 of By-law 93-069 as amended, is further amended by adding paragraph (cc) immediately after paragraph 4(c) as follows:

"(cc) Subject to the terms and conditions of the charitable gaming licence, a public hall which may be used to conduct a Monte Carlo event under a provincial charitable gaming licence is permitted to open for the licensed event until up to 4 a.m. local time."

Bill No. *H–46*

The Corporation of the City of Hamilton

BY-LAW NO. 93- 152

To Amend:

By-law No. 79-323 as Consolidated in By-law No. 93-069

TO REPEAL VARIOUS TRADE AND BUSINESS LICENCES

WHEREAS the City of Hamilton licences and regulates various trades and businesses under schedules of By-law 93-069 as amended, being a consolidation of By-law 79-323, the City of Hamilton Licensing Code;

AND WHEREAS it is desirable to no longer licence certain trades or businesses;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

General

1. Schedules 1, 2, 6, 7, 21, 23, 25, 26, 27, 29, and 40 to Licensing By-law No. 93-069 as amended, are repealed.

2. Appendixes "A", "B" and "C" to Schedule 40, as contained in Schedule 44 of Licensing By-law No. 93-069 as amended, being forms used in Schedule 40, are repealed.

3. Sections 1, 2, 6, 7, 21, 23, 25, 26, 27, 29, and 40 of Schedule 45 to Licensing By-law No. 93-069 as amended, being the fees and charges under the Schedules listed in section 1 of this by-law, are repealed.

Flea Market Stallholders and Salvage and Secondhand Goods Dealers

4. Schedule 17 to Licensing By-law No. 93-069 as amended, is amended by repealing the words "second-hand goods shop or dealer in second-hand goods" in subsections 2(1) and 4(1) and replacing them with the words "or second-hand goods shop".

5. Section 7 of Schedule 17, and subsections 2(2), 5(2) and section 3a of Schedule 43, to Licensing By-law No. 93-069 as amended, are repealed.

6. Subsection 7(2) of Schedule 43 to Licensing By-law No. 93-069 as amended, is further amended by deleting the words "and stallholder" in the first line.

7. Subsections 17(1), 17(2), and 43(2) of Schedule 45 to Licensing By-law No. 93-069 as amended, are repealed.

8. In all other respects, Licensing By-law No. 93-069 as amended, is hereby confirmed without change.

PASSED this 29th day of June A.D. 1993.

CITY CLERK

MAYOR

Bill No. *H-41*

The Corporation of the City of Hamilton

BY-LAW NO. 93- 127

To Amend:

Schedules 4 and 4a of By-law 79-323 Respecting:

TAXI-CABS, LIVERY VEHICLES AND SCHOOL TRANSPORTATION

WHEREAS it is desirable and expedient to extend the definition of taxi-cabs to motor vehicles with seating for 10 persons including the driver;

AND WHEREAS it is desirable to exempt vehicles which have a seating capacity of 11 or more persons from regulation as taxis;

AND WHEREAS it is desirable to exempt certain vehicles from licensing as taxis and livery vehicles or limousines, and in particular those vehicles which the school authorities find necessary for the special needs of students, and those vehicles operated by or for the Regional Municipality including DARTS vehicles and their subcontractors;

AND WHEREAS it is desirable to provide that school transportation not be affected by these changes until July 1, 1993, to allow the current school transportation contracts to expire and to provide time for compliance with the changes made;

AND WHEREAS it is desirable to exempt those vehicles formerly licensed as Class B Livery Vehicles from licensing as taxis and livery vehicles, and to rename Class "A" Livery Vehicles as "limousines" pending the replacement of Schedule 4a;

AND PURSUANT to the approval by Council of Item 14 of the 24th Report of the Finance and Administration Committee of 1992, and Item 1 of the 5th Report of 1993, as amended by Council on March 9, 1993;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 13 of section 1 of Schedule 4 to Licensing By-law No. 79-323, as enacted in By-law 92-172, is repealed and replaced with the following:

"13. "taxi-cab" means a motor vehicle as defined in the Highway Traffic Act, having a seating capacity of not more than 10 persons including the driver, hired for one specific trip for the transportation exclusively of one person or group of persons."

2. Subparagraph (5) of section 2 of Schedule 4 to Licensing By-law No. 79-323 as enacted in By-law 92-172, is repealed.

3. Schedule 4 of Licensing By-law No. 79-323 as enacted in By-law 92-172, is amended by adding, immediately after section 2, sections 2a and 2b, as follows:

"2a. The operation of a motor vehicle which has seating for 10 or more persons excluding the driver, does not require a licence under this Schedule."

"2b. A motor vehicle operated by or on behalf of the Regional Municipality of Hamilton-Wentworth as part of a public transportation service, including a public transportation service for the transportation of senior citizens or disabled persons, and in particular including a vehicle owned or operated by the Hamilton Street Railway Company or a motor vehicle owned or operated by the Disabled and Regional Transit System (hereinafter called "DARTS"), or being a subcontractor to DARTS, is exempt from the requirement for an owners or drivers licence under Schedules 4 and 4a."

4. Schedule 4 of Licensing By-law No. 79-323 as enacted in By-law 92-172, is amended by adding, immediately after section 2b, sections 2c, 2d, and 2e, as follows:

"2c. In this by-law, the words "school" and "school bus" shall have the meanings provided in subsection 175(1) of the Highway Traffic Act."

"2d. In this by-law, a reference to "special need" shall be deemed a reference to needs as provided for in writing in the Transportation Policy of the Board of Education for the City of Hamilton, and The Hamilton-Wentworth Roman Catholic Separate School Board Transportation Policy and Regulations of such school board or other authority in charge of the school, as may be amended or added to from time to time, or as a board or other authority may accommodate under section 190 of the Education Act, R.S.O. 1990, c.E.2."

"2e. (1) Subject to subsection (2), the transportation of students for hire, to and from school within the City of Hamilton shall be by licensed taxi-cab, unless the vehicle used is a school bus which is licensed under the Public Vehicles Act, R.S.O. 1990, c.54.

(2) A motor vehicle licensed under the Public Vehicles Act, being used for the transportation of children, deemed to be of special need by the school board or other authority in charge of the school hiring the transportation, does not require a licence under Schedules 4 or 4a of this by-law."

5. Schedule 4a of Licensing By-law No. 79-323 as enacted in By-law 92-172, is amended by adding, immediately after section 2, sections 2a and 2b, as follows:

"2a. Notwithstanding the provisions of Schedule 4a as amended, the owners or drivers of Class "B" livery vehicles are hereby no longer licensed or regulated."

"2b. Notwithstanding the provisions of this Schedule and Schedule 45, references to Class "A" vehicles and licences shall be read as references to "limousines" and "limousine licences", and licences issued hereunder shall be Limousine Owners Licences and Limousine Drivers Licences."

6. (1) Subject to (2), this by-law comes into force and effect on the date of enactment.

(2) Section 4 of this by-law comes into force and effect on July 1, 1993.

7. In all other respects, Schedules 4 and 4a to Licensing By-law No. 79-323 as amended, are hereby confirmed without change.

PASSED this 25th day of May A.D. **1993**.

A. E. Holland

ACTING **CITY CLERK**

MAYOR

Bill No. *H-21*

The Corporation of the City of Hamilton

BY-LAW NO. 93-*071*

To Amend Schedule 22 to Licensing By-law No. 79-323

As Consolidated in By-law 93-069

Respecting:

TRANSIENT VENDORS

WHEREAS Schedule 22 to Licensing By-law No. 79-323 was amended by By-laws 92-221 and 92-312, providing for the licensing of transient vendors;

AND WHEREAS in the consolidation passed as By-law 93-069 a clerical error resulted in an older version of Schedule 22 being enacted, which ommitted the changes made by By-law 92-221;

AND WHEREAS it is desirable to correct the error by replacing Schedule 22 with the provisions as they existed in By-law 92-221, as amended in 92-312;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Schedule 22 of By-law No. 79-323 as consolidated in By-law 93-069, be repealed, and the following substituted therefor:

S C H E D U L E 22

TRANSIENT VENDORS

1. In this schedule,

(a) "trade" means trade, business, calling or occupation;

(b) "transient vendor" means a person who offers goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offers them for sale in any other manner, and includes,

(i) persons whose names have not been entered on the assessment roll, in respect of business assessment for the then current year; or

(ii) a transient trader; but

(iii) does not include a charitable organization or non-profit group or corporation selling goods, wares or merchandise, the proceeds from which are donated to, or used for charitable objects.

(c) "transient trader" includes any person commencing business in the City of Hamilton who has not resided continuously in the City for at least three months next preceding the time of commencing such business there.

(d) A person who commences business by the display or offering of goods, wares or merchandise for sale at a particular location, may still qualify as a transient vendor, whether or not the trade is conducted with the use of a building or fixtures.

2. Every transient vendor shall obtain and maintain in good standing a licence authorizing the transient vendor to carry on or engage in his trade, for each location from which the vendor's trade will be carried on.

3. No transient vendor shall commence the sale of goods, wares or merchandise until a licence has been issued under section 2.

4. Every applicant for a licence or a renewal thereof shall make the application in person and not by an agent or representative.

5. Every transient vendor shall pay a licence fee before commencing his trade.

6. No licence shall be issued where the fee has not been paid in full at the time of making the application.

7.(1) Every applicant for a transient trader's licence shall as part of the application for such licence furnish a statement in writing containing a full description of the goods, wares or merchandise that the transient trader proposes to sell or offer for sale under such licence.

(2) A licence issued under subsection (1) is only permission for the particulars supplied by the applicant under this section, and any change in the classes of goods sold will require a new or separate application.

8.(1) The licence fees are provided by section 22 of Schedule 45 of this by-law.

(2) The licenses issued under (1) shall expire three months from the date of issuance.

(3) The sum paid for a licence shall be credited to the person paying it, or to any purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.

(4) Every transient trader shall cause the licence to be prominently and permanently displayed in the transient trader's place of business during the full term in which the transient trader is carrying on business as a transient trader and in default thereof is guilty of an offence.

9. This by-law does not apply to:

(a) The sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock; and

(b) The sale of a business to a purchaser who continues the business.

2. This by-law comes into force and effect on the date of enactment.

PASSED this *8th* day of *April* A.D. 1993.

City Clerk Mayor

Bill No. H-19

The Corporation of the City of Hamilton

BY-LAW NO. 93 - *069*

A By-law to Consolidate

Licensing By-law No. 79-323 and amendments thereto;

1.(1) In this by-law:

(a) "Board" means the Police Services Board of the Hamilton-Wentworth Regional Police;

(b) "Chief Constable" means the chief constable of the Hamilton-Wentworth Regional Police Force;

(c) "City" means The Corporation of the City of Hamilton;

(d) "City Council" or "council" means the council of The Corporation of the City of Hamilton;

(e) "City Treasurer" means the treasurer of the City;

(f) "Chief Licence Inspector" means the Chief Licence Inspector of the City;

(g) "Issuer of Licences" means the Licence Administrator authorized to provide licences issued, renewed or transferred by the Licence Committee;

(ga) "Licence Administrator" means the official appointed by council to administer this by-law;

(h) "Licence Committee" means the City of Hamilton Licensing Committee established by council;

(ha) "public interest" includes,

> (A) promotion or advancement of the good of the inhabitants of the City or any part thereof, or
>
> (B) avoidance of things, occasions, occurrences or opportunities hurtful to the comfort or interest of the inhabitants of the City or any part thereof,

but does not include circumstances of mere convenience, whim or caprice;

(i) "Secretary" means the secretary of the Licence Committee;

(j) "Schedule" shall be a reference to one or all the Schedules listed in Section 17, as the context requires.

(2) Except where otherwise provided, the provisions of this by-law apply to the engaging in or carrying on, in the City of Hamilton, of any of the trades, businesses or occupations regulated by this by-law.

2.(1) Subject to the powers, duties, authorizations, directions and requirements of the Licence Committee:

(a) administration of this by-law shall be by the Licence Administrator, and

(b) enforcement of this by-law shall be by by-law enforcement officers of the City,

(2) In accordance with the Police Services Act, police officers shall also enforce this by-law.

3.(1) Every application for a license shall be in writing and shall show:

(a) the particular class of licence applied for; and

(b) the full name, home address and telephone number of the applicant; and

(c) any other information as may be required for the kind and class of licence by the Schedules, or as may be necessary to identify the applicant, the business and its owner or operator, and the nature of the business which the applicant proposes to licence, including any location or vehicle to be used; and

(d) where the application is a renewal, it shall specify any change in the required information from the previous application; and

(e) an executed release for police information, in the form provided by the City.

(2) The application shall be delivered in person by the applicant to the Issuer of Licences.

(3) No application shall be received from any person who has been refused a similar licence within the previous three months.

(4) Where an applicant was the holder of a similar licence under this by-law for the previous year and there is no change in the required information, the applicant need not comply with subsection (2) unless requested by the Licence Committee, but shall supply a written and signed declaration that there has been no change in the required information.

(5) Where any premises or part thereof are to be used for a purpose requiring authorization by licence, the application shall include a sufficient description of such premises or of the part to be authorized to be so used, including the address and telephone number of the location, and a separate application shall be made with respect to each separate premises to be so used.

(6) Where a motor vehicle is to be used for a purpose requiring authorization by licence, the application shall include a sufficient description of such vehicle, including the make, the model, the licence plate number, and the vehicle identification number, and a separate application shall be made with respect to each vehicle to be so used.

(7) Where the business for which a licence is sought is carried on or is to be carried on by two or more persons in partnership, the names and addresses of all partners shall be set forth in the application.

4.(1) Upon receipt of an application and fees, the Chief Licence Inspector shall, without undue delay, obtain from the Chief Constable and forward to the Issuer of Licences for the information and convenience of the Licence Committee in its consideration of the application, a report of all readily ascertainable facts relating to the question of the character and fitness of the applicant to be a holder of the kind and class of licence applied for.

(2) Where any motor vehicle is to be used for a purpose requiring authorization by licence, the report shall include the results of an examination of the same as to its fitness or otherwise, and whether the applicant is the registered owner.

5.(1) Upon receipt of a licence application and fees, and before renewal of a licence or transfer of a licence, the Licence Committee may cause to be made all such investigations as it requires and shall consider the results of the investigations before determining whether or not the licence should be issued, renewed or approved for transfer.

(2) If the investigation does not disclose any reason to believe that:

(a) the applicant's character may not be good;

(b) the carrying on of the trade, calling, business or occupation may result or will result,

(i) in a breach of the law or any other by-law of the City; or

(ii) in a breach of this by-law or any schedule thereof; or

(c) the trade, calling, business or occupation may be contrary to the public interest;

the Licence Committee may, subject to subsection (5), approve the application, renewal or transfer.

(3) If the investigation discloses any reason to believe that:

(a) the applicant's character may not be good;

(b) the carrying on of the trade, calling, business or occupation may result or will result,

(i) in a breach of the law or any other by-law of the City; or

(ii) in a breach of this by-law or any schedule thereof; or

(c) the trade, calling, business or occupation may be contrary to the public interest;

the Licence Committee shall not issue a licence.

(4) The Licence Committee shall, in considering the application for a licence, or a renewal of a licence, or a transfer of a licence, take into account the following:

1. The character of the applicant.

2. Whether the carrying on of the trade, calling, business or occupation may result or will result,

(a) in a breach of the law or any other by-law of the City; or

(b) in a breach of this by-law or any schedule thereof.

3. Whether the carrying on of the trade, calling, business or occupation by the applicant may be contrary to the public interest.

4. Any other matter relating to the carrying on of a trade, calling, business or occupation that the Licence Committee requires to be considered.

(5) Every applicant shall, to the satisfaction of the Licence Committee, comply with all prior requirements of the applicable schedule, before an application is approved.

(6) No licence shall be issued where the applicant does not comply with the prior requirements of the applicable schedule.

6.(1) Subject to subsection (2), the licences for the several trades, callings, businesses or occupations set out in the Schedules to this by-law are valid for the term of the calender year, unless the particular schedule provides for licences of a shorter term.

(d) wherever the licence authorizes the use of a motor vehicle, clear identification of the motor vehicle, including year, make, model, Vehicle Identification Number and licence plate number.

(2) No licence certificate shall be valid until it is shown on the face of the certificate that the amount of the licence fee has been paid.

9. (Repealed.)

10. The Secretary shall attend all meetings of the Licence Committee and shall keep all necessary records and perform such other duties as may from time to time be required by the Licence Committee.

11.(1) Every licence is personal to the holder thereof, and no licence is transferable without the consent in writing of the Licence Committee.

(1a) No license is transferable unless a transfer is specifically provided for in the applicable Schedule.

(2) No licence authorizes the use of any premises or part, or of any vehicle, except that identified on the licence certificate.

12.(1) Where a licence authorizes the use of any premises or part, for any purpose for which a licence is required under this by-law, the current licensee shall:

(a) post up the licence certificate; and

(b) keep the licence certificate posted up, in a position where it may readily be seen and read by persons entering the premises or part thereof.

(2) No licence which is not current shall be posted up or left posted up.

13. The licensee shall be responsible that the premises authorized to be used for the purposes of the licensed business are kept clean and orderly, and that every vehicle authorized to be used for the purpose of the licensed business is so used only when in a clean and safe condition.

14. The Chief Constable, a police constable, the Chief Licence Inspector and a licence inspector may at all reasonable times inspect any licensed premises or vehicle, and inspect any records required by this by-law to be kept by the licensee, and the licensee shall be responsible that all reasonable assistance therefor is afforded by himself, his employees, servants and agents.

15. The Licence Committee may suspend or revoke a licence where:

(a) the character of the licensee is such that it may,

(i) provide an adverse reputation to the trade, calling, business or occupation;

(ii) result in acts or omissions adverse to good trade, calling, business or occupation practices;

(b) the carrying on of the trade, calling, business or occupation by the licensee may result or results,

(i) in a breach of the law or any other by-law of the City; or

(ii) in a breach of any provision of this by-law or any Schedule thereof;

(c) the carrying on of the trade, calling, business or occupation is contrary to the public interest; or

(d) the licensee has been convicted of an offence under section 18.

15a. Where a hearing has been held and the Licence Committee has:

(a) refused to issue, renew or transfer a licence; or

(b) revoked a licence;

and City Council has made a decision in respect of a recommendation of the committee, any rehearing or further hearing by the committee in respect of the licence shall be held not less than twelve months from the date of a decision by City Council.

16. (Repealed).

17. The following Schedules appended hereto, form part of this by-law, and every person engaging in or carrying on any trade, business, calling or occupation for which a licence is required by the provisions of this by-law shall be responsible that all the provisions of this by-law regulating such trade, business, calling or occupation are complied with:

Schedule 1 Auctioneers

Schedule 2 Barber Shops and Hairdressing Establishments

Schedule 3 Retail Butchers and Fish Mongers

Schedule 4 Taxicabs

Schedule 4a Livery Vehicles

Schedule 5 Cartage Businesses

Schedule 6 Drive-Self Rental Vehicles

Schedule 7 Driving Schools and Instructors

Schedule 8 Eating Establishments

Schedule 9 Food Shops

Schedule 10 Tow-trucks

Schedule 12 (REPEALED)

Schedule 13 Pedlars

Schedule 15 Public Halls and Places of Amusement

Schedule 16 Refreshment Vehicles

Schedule 17 Salvage and Second-Hand Goods Businesses

Schedule 19 Sign Posters and Bill Distributors, etc.

Schedule 20 Tobacco Retailers

Schedule 21 Tourist Camps, Trailer Camps and Motels

Schedule 22 Transient Vendors

Schedule 23 Pet Shops

Schedule 24 Bake Shops

Schedule 25 Dry Cleaning Establishments

Schedule 26 Storage of Petroleum and Other Dangerous or Inflammable Substances

Schedule 27 Laundries and Laundreterias

Schedule 28 Lodging Houses

Schedule 29 Massagists

Schedule 30 Pawnbrokers

Schedule 31 Public Baths

Schedule 32 Public Garages

Schedule 33 (REPEALED)

Schedule 34 (REPEALED)

Schedule 35 (REPEALED)

Schedule 36 (REPEALED)

Schedule 37 (REPEALED)

Schedule 38 (REPEALED)

Schedule 40 Special Sales

Schedule 41 Old Gold and Jewellery Dealers

Schedule 42 Building Exterior Cleaners

Schedule 43 Flea Markets

Schedule 44 Appendixes and Forms

Schedule 45 Fees.

18. Every person who contravenes any provision of this by-law or of a Schedule hereof, and every director and officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence, and upon conviction is subject to the penalty provided in section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.

19. A licensing committee under the City of Hamilton Act, 1978, S.O. 1978, c.119, to be known as "The City of Hamilton Licensing Committee" is hereby established, and shall be composed of those members appointed by council, as listed in Appendix "A" hereto attached.

20.(1) By-law 79-323 as enacted by Council on November 27, 1979, and all the amendments and by-laws listed in Appendix "B" hereto, are consolidated and replaced by this by-law, which may be cited as "The City of Hamilton Licensing Code, 1993".

(2) Schedules 4 and 4a as enacted in By-law 92-172 as amended, are adopted as "Schedule 4" and "Schedule 4a" respectively of this by-law, subject only to the amendment of forms to be used listed in Schedule 44 of this by-law, and to the amendment of fees to be charged listed in respectively, sections 4 and 4a of Schedule 45 of this by-law.

SEVERABILITY AND SAVING

21. Should a court of competent jurisdiction declare a part or the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

PASSED *30th* day of *March* A.D. 1993.

City Clerk

Mayor

APPENDIX "A"

To By-Law No. 93- *069*

(Section 19)

Members of the City of Hamilton Licensing Committee

1. Alderman T. Cooke.

2. Alderman D. Drury.

3. Alderman D. Wilson.

4. Mr. Arthur James Child.

5. Mr. John R. Jones.

APPENDIX "B" TO BY-LAW 93-069

(Section 20)

1. The following by-laws and amendments thereto have been consolidated and are repealed in their entirety, except as noted herein;

73-342, 10467, and 10468, 78-224 as amended, 79-323 excepting Section 19(2), 80-093, 80-194, 80-208, 80-222, 81-50, 81-79, 81-234, 82-197, 83-37, 83-104, 83-261, 83-300, 83-317, 84-16, 84-71, 84-244, 84-262, 85-91, 86-285, 86-344, 87-17, 87-44, 87-232, 87-234, 87-253, 87-254, 87-271, 87-272, 87-294, 87-325, 87-326, 87-341, 88-88, 88-136, 88-137, 88-139, 88-271, 89-27, 89-56, 89-57, 89-249, 89-315, 89-316, 89-347, 90-256, 90-279, 90-318, 90-338, 90-357, 91-106, 91-177, 92-005, 92-007 except for Sections 1, 2, 23, 24, 25, and 26, 92-008, Section 1 of 92-063, 92-220 and 92-221.

SCHEDULE 1

AUCTIONEERS

Licence Required

1. No person shall, in the City of Hamilton, carry on the business of an auctioneer or of selling or putting up for sale goods, wares, merchandise or effects by public auction, without a licence under this by-law entitling him so to do.

Duration of Licence

2. Unless otherwise specified by the Licence Committee in the licence certificate, the duration of the licence, subject to this by-law, shall be the balance of the calendar year in which it was granted, unless sooner lawfully revoked.

Application of Schedule

3. The provisions of this Schedule do not apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

4. Every place of business of an auctioneer shall be in all respects suitable for the purpose.

Duties

5.(1) Except as provided in Subsection (2), every auctioneer shall keep good order in his auction room and offices, shall not allow any gambling or other disorderly practice therein, shall keep proper books of account of the business transacted by him as an auctioneer, which books shall give the names and addresses of persons depositing goods with him for sale, the description of such goods, the names and addresses of the persons purchasing such goods, or any portion thereof, and at what price, and shall forthwith, after the sale of such goods or any portion thereof, account for the proceeds and pay the same to the person or persons entitled to such proceeds, less his proper and legal commission and charges; and shall in the case of no sale of such goods, on payment of his proper costs and charges return such goods to the person or persons entitled to receive the same on proper demand being made therefor.

(2) Nothing in this section contained shall in any way affect or invalidate the claim of any auctioneer for goods warehoused with him, or on which he has made advances.

Where Overcrowding

6. No auctioneer shall conduct an auction sale upon any premises which are unsafe as regards danger from fire or risk of accident, or commence or continue any auction sale at any time while there is upon the premises a number of persons so great as to create a condition which may be or become unsafe as regards danger from fire or risk of accident.

7. The amount of the licence fee is provided in section 1 of Schedule 45 of this by-law.

SCHEDULE 2

BARBER SHOPS AND HAIRDRESSING ESTABLISHMENTS

Licence Required

1. No person shall, in the City of Hamilton, carry on the business of a barber shop or hairdressing establishment without a licence under this by-law entitling him so to do.

2. The amount of the licence fee is provided in section 2 of Schedule 45 of this by-law.

SCHEDULE 3

RETAIL BUTCHERS AND FISHMONGERS

Interpretation

1. In this Schedule,

(a) "retail butcher" means a person who sells fresh meat in quantities less than by the quarter carcass; and

(b) "fishmonger" means a person who sells fresh fish.

Application of Schedule

2. Nothing in this Schedule affects the powers conferred upon the City Council by the provisions of The Municipal Act.

Licence Required

3. No person shall, in the City of Hamilton, sell fresh meat in quantities less than by the quarter carcass, or fresh fish, without a licence under this by-law, entitling him so to do.

Duration of Licence

4. The duration of the licence, subject to this by-law, shall be the balance of the calendar year in which it was granted.

Sale of Horse Meat

5. No person shall, in the City of Hamilton, sell any fresh horse meat in quantities less than by the quarter carcass,

(a) without a licence under this by-law, specifying that it is for the sale of fresh horse meat;

(b) except in premises authorized for the purpose, with signs displayed conspicuously both outside and inside bearing the words "Horse Meat Sold Here", in plain and legible letters at least six inches high; or

(c) in any premises where any other fresh meat or poultry or product thereof is offered or exposed for sale.

6. The licence fees are provided in section 3 of Schedule 45 of this by-law.

7. A licence issued under this Schedule is only permission to sell from the location or vehicle as the case may be, for which the licence has been issued.

8. Obtaining a licence under this Schedule or the payment of the licence fee required, does not excuse an applicant or licence holder from compliance with by-laws and regulations passed respecting markets, and in particular the applicant or licence holder must still pay all applicable markets fees and comply with the hours of operation imposed.

SCHEDULE 4

TAXI-CABS

1. In this Schedule,

1. "City" means the City of Hamilton;

2. "driver's licence" means a licence issued to a taxi-cab vehicle driver under this by-law and "licensed driver" has a corresponding meaning;

2a. "Goods and Services Tax Legislation" shall mean an Act or Acts of the Parliament of Canada which, respectively has or have the effect of imposing a tax on goods and services on the value of such goods and services; **(90-357)**

2b. "hourly rate" means the rate set by paragraph 1 of section 34;

3. "limited interest agreement" means a written agreement in FORM 4 wherein a limited interest in a licence is temporarily transferred by a plate owner, and containing terms and conditions prescribed in section 17(4) and any other terms and conditions not contrary to this by-law;

4. "livery vehicle" means a vehicle licensed under Schedule 4a of this by-law. (new)

5. "owner" includes the owner of a vehicle or a purchaser of a vehicle under contract, agreement, understanding or arrangement;

6. "owner's licence" means, as the case may be,

(i) a licence taken out by a vehicle owner authorizing the use of the vehicle as a taxi-cab; or

(ii) a limited interest licence taken out by a plate user authorizing the use of the vehicle as a taxi-cab;

7. "plate owner" means a person who holds a taxi-cab licence but who has ceased owning the taxi-cab respecting which the licence was issued;

8. "plate user" means an individual owner who enters into a limited interest agreement with a plate owner;

9. "private cab" means a taxi-cab which uses a two-way radio or other form of dispatch to locate passengers, but does not include a public cab; (new)

10. "public cab" means a taxi-cab that operates from a public taxi-cab stand, and is without a two-way radio or other form of radio dispatch to locate passengers not at a public taxi-cab stand; (new)

11. "public taxi-cab stand" means a stand or place on a highway assigned by the City for the purpose of providing a site for the congregation of public taxi-cabs awaiting passengers;

12. "spare vehicle" means a vehicle that can be used as a taxi-cab in substitution of a vehicle in respect of which an owner's licence has been issued, pursuant to the provisions of this by-law;

13. "taxi-cab" means a motor vehicle as defined in the Highway Traffic Act, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip, but does not include a livery vehicle; (new)

14. "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by a person other than the taxi-cab broker, his or her immediate family, or his or her employer;

15. "taxi-cab driver" means a person whose occupation is driving a taxi-cab;

16. "taxi-cab owner" means, as the case may be,

(i) a person who is the owner of a taxi-cab; or

(ii) a plate user;

(iii) a person referred to in clauses (i) or (ii) to whom an owner transfers his or her licence.

PART 1

Administration

2.(1) Every person who is and carries on business as,

(a) a taxi-cab owner;

(b) a taxi-cab driver;

(c) a taxi-cab broker,

shall obtain from the City a licence authorizing that person to carry on or engage in the trade, calling or business of conveying passengers for hire in a taxi-cab.

(2) No person required to obtain a licence under Subsection (1) shall carry on or engage in the trade, calling or business of conveying passengers for hire in a taxi-cab without a licence.

(3) Where a person is required to obtain a licence under Subsection (1),

(a) a separate licence certificate shall be issued for each licence applied for, and

(b) a separate licence certificate shall be issued for each taxi-cab.

(4) Every licence certificate issued to a taxi-cab owner or a taxi-cab broker shall clearly identify the one vehicle in respect of which the licence was issued to the taxi-cab owner or taxi-cab broker.

(5) Notwithstanding the provisions of this schedule, a taxi-cab owner's licence may be issued for or transferred to a vehicle which has seating for more than six passengers, provided that all other requirements of this schedule are complied with, not limited to but including the requirements for issuance of the licence and operation of the vehicle. (new)

3. Notwithstanding any other provision of this schedule, no taxi-cab owner's licenses shall be issued, except for renewals or transfers approved, until Council authorizes the issuance of the licenses for that year. (new)

4.(1) Every applicant for a broker's licence, an owner's licence or a driver's licence, or a renewal of the licence shall attend at the office of the Issuer of Licences and make and file an application in person and not by an agent or representative.

(2) Where a taxi-cab is owned by,

(a) a partnership, a partner shall attend for the purpose of subsection (3);

(b) a limited company, the chief operating officer of the company shall attend for the purpose of subsection (3).

(3) Every applicant for an owner's licence shall fully complete an application on FORM 1 hereto annexed as Schedule "A".

(4) Every applicant for a driver's licence shall fully complete an application on FORM 2 hereto annexed as Schedule "B".

(5) No application shall be accepted as made and filed unless shown therein are,

(a) the approval of the taxi-cab owner, and

(b) the approval of the taxi-cab broker as to whose place of business that taxi-cab is located.

(6) Every applicant for a licence as a taxi-cab driver shall, in addition to any other information required under this Schedule, with every application and renewal of application,

(a) provide for inspection by the Issuer of Licences, a Class G licence issued under The Highway Traffic Act; and

(b) sit for a photograph to be taken by the Licence Administrator at the expense of the applicant.

5.(1) Every applicant for a licence shall, before a licence is issued, undertake and successfully complete one or more written tests pertaining to his or her knowledge of,

(a) the operation of a taxi-cab, and of this by-law, as it relates to taxi-cabs and livery vehicles;

(b) the laws and regulations pertaining to traffic and motor vehicles;

(c) the relationship between taxi-cab drivers and livery vehicle drivers in respect of passengers including duties, behaviours, appearance, decorum;

(d) the use of the equipment part of taxi-cabs including two-way radio, taximeter, and roof lights;

(e) the use of trip sheets, making damage reports and record keeping; and

(f) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides.

(2) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant unless,

(a) the applicant achieves not less than 70% on each test required to be undertaken; and

(b) the applicant has a photo identification taken by the city.

6.(1) Before a licence is issued, the taxi-cab owner or taxi-cab driver may provide a medical certificate on a form supplied by the City signed by a duly qualified medical

practitioner in the Province of Ontario, certifying that the owner or driver of the taxi-cab is physically and mentally fit to drive a taxi-cab.

(2) Every taxi-cab owner and taxi-cab driver shall provide a certificate of the Medical Officer of Health of the City as to the health of the owner or driver from time to time as the City may require by notice in writing delivered by first class mail to the owner or driver at his business address or place of residence.

7. Every taxi-cab broker, taxi-cab owner and taxi-cab driver shall be at least eighteen years of age.

8. Every taxi-cab broker, taxi-cab owner and taxi-cab driver shall notify the Issuer of Licences within 7 days of a change of address and produce his or her licence for that change of address to be entered.

9.(1) No transfer of an owner's licence certificate from a taxi-cab owner to a purchaser of the licence shall be approved unless,

(a) the purchaser makes and files an application on FORM 3, hereto annexed as Schedule "C", and pays the transfer fee;

(b) the purchaser files a statutory declaration at the time of application that all provisions of this Schedule respecting the condition of the vehicle and requirements thereon under this by-law have been complied with; and

(c) the purchaser files a statutory declaration by the vendor of the vehicle and the purchaser of the taxi-cab to which is attached an executed copy of the agreement of purchase and sale showing full financial details of the transaction, and any other details as requested by the Licence Administrator.

(2) Nothing in subsection (1) shall obligate the City to approve the transfer of the licence.

10. No licensee who is the holder of a licence as a taxi-cab owner shall enter into any written or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the taxi-cab for which the licence was issued, by any other person who is not a licensed taxi-cab driver.

11.(1) No person being the owner of a taxi-cab equipped with a taxi-meter and to whom a licence has been issued shall, without the approval of the Licence Committee, carry on or permit to be carried on the business of conveying passengers for hire in a taxi-cab or permit any person to drive the taxi-cab for hire, where the monetary interest of the person to whom a licence has been issued is less than 50% of the fair market value of the taxi-cab.

(2) For the purpose of subsection (1), "fair market value" is an amount that a licensed taxi-cab equipped with a taxi-meter might be expected to realize if sold in the open market by a willing seller to a willing buyer, but not more than an amount determined by the Licence Committee.

PART 2

Taxi-cab Owners

12. Every taxi-cab owner shall comply with the following regulations:

1. Before acting as a taxi-cab driver,

(a) comply with all the requirements for the issuance of a taxi-cab driver's licence under Section 3, except that payment of the fee for issuance of a driver's licence shall not be required; and

(b) obtain the approval of the Licence Committee, duly endorsed and shown on the owner's licence.

2. Before issuance of an owner's licence, provide the City, in writing, with the following information in respect of every vehicle to be used as a taxi-cab vehicle,

(a) certificate of ownership,

(b) certificate of insurance, and

(c) a current Safety Standard Certificate as issued by the Ministry of Transportation.

3. For each taxi-cab for which the owner holds a licence, and before use of the taxi-cab,

(a) where the taxi-cab is to be used for the carrying of parcels, letters, documents, goods or chattels, obtain a policy or policies of insurance in respect of same;

(b) obtain a policy of insurance in respect of the taxi-cab in an amount not less than $500,000.00, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;

(c) provide a special endorsement to the policy of insurance referred to in clause (a), for passenger hazard in an amount not less than $500,000.00, exclusive of interest and costs; and

(d) cause to be endorsed on the policy of insurance referred to in clause (a), that the City shall be given at least ten days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy;

(e) deposit a certified true copy of the policy of insurance and all endorsements with the City.

4. Maintain the policy of insurance referred to in regulation 3 of this section in force and effect during the entire period of time for which the licence is issued and in force and effect.

5. Use or permit to be used a taxi-cab only where prior to its use,

(a) the owner has produced a registration issued under the Highway Traffic Act, in respect of the class of motor vehicle to be used as a taxi-cab;

(b) the City has been informed of any changes in the motor vehicle registration;

(c) the owner has submitted the motor vehicle to the City for inspection and approval and has obtained authorization for the vehicle to be used; and

(d) the taxi-cab is equipped with a two-way radio where the taxi-cab owner is the plate user.

6. Subject to The Highway Traffic Act, not use or permit to be used any taxi-cab that does not have affixed to the vehicle,

(a) a City of Hamilton licence plate having an identity number and clear indication that the taxi-cab is licensed for use in the taxi-cab business as either a public taxi-cab or a private taxi-cab; or

(b) a duplicate licence plate, as may be supplied by the City at the expense of the owner of a taxi-cab where the original licence plate has been lost, defaced or destroyed.

7. Affix to the back of each taxi-cab in a manner and in a position approved by the City any taxi-cab licence plate issued by the City and maintain the licence plate only in the approved position during the period for which the licence is in force and effect.

8. Affix a taxi-cab licence plate to a spare vehicle registered under Part 5 of this Schedule only with the consent of the City and in accordance with the provisions of Part 5 of this Schedule.

9. Affix to both sides of the exterior of every vehicle a number, in sequence designated by the City, which is,

(a) not less than six inches in height;

(b) in contrasting colours to the colour of the vehicle; and

(c) affixed in a location approved by the City.

10. Permanently and securely affix on top of the taxi-cab an illuminated sign approved by the City and connected to the taximeter,

(a) indicating the word "taxi"; or

(b) indicating the name and telephone number of the licensed owner of the taxi-cab, or the taxi-cab broker with whom the taxi-cab is associated.

11. Equip each taxi-cab with a taxi-meter, for the calculation and display of the costs of a trip, capable of meeting the requirements of paragraph 12 below. (new)

12. Cause each taxi-meter to be,

(a) submitted for the testing, inspection and sealing by such person as the Chief Licence Inspector designates and at such times and locations as designated;

(b) illuminated between sunset and sunrise;

(c) in a raised position, such that the charges are plainly visible to, and readable by, all passengers;

(d) adjusted in accordance with the rates prescribed by PART 12 of this Schedule;

(e) tested and approved by the Chief Licence Inspector, by running the taxi-cab to which it is attached over a measured track, route, or distance, or by suitable mechanical means, before being sealed;

(f) used only when the seal thereon is intact;

(g) kept in good working condition at all times and not used when defective in any way;

(h) numbered and not used until approved by the Chief Licence Inspector or other person designated by the City;

(i) used only if the taxi-meter is connected with the electric sign referred to in Regulation 11 of this section in such a manner that the sign is lighted when the taxi-meter is extinguished and not operating when the taxi-meter is operating.

(90-357)

13. Affix and maintain affixed an approved tariff card, containing rates in accordance with those set out in PART 12 of this Schedule, and specifying goods and services tax, in a place in the taxi-cab in such a manner that the tariff of charges is plainly visible to, and readable by, all passengers.

(90-357)

14. Cause a taxi-cab to be submitted for inspections from time to time by such person and at such times and places as the City may designate.

15. Make such improvements or repairs to the taxi-cab, its equipment or any component thereof as may be required by the City and within such time period specified by the City, to such standards as may be approved by the Licence Committee.

16. Immediately check for mechanical defects in the taxi-cab reported by a driver.

17. Not operate or permit to be operated as a taxi-cab any vehicle not in good mechanical condition.

18. Not operate or permit to be operated as a taxi-cab any vehicle unless a Motor Vehicle Safety Certificate on a form and in a manner approved by the Province of Ontario has been filed with the City in a manner and frequency approved by the Licence Committee.

19. Display or permit to be displayed, no advertisement, whether a sign, picture or painted message, on or in the taxi-cab except,

(1) Not more than five interior advertising signs, each not exceeding 26 centimetres by 31 centimetres in size, placed on the back of the front seat in such a way as to not obscure the vision of the driver, or the view from the rear seat of the vehicle of the photo identity card, meter, licence and tariff card; and;

(2) One rooftop mounted sign with interior illumination, provided that;

(a) the sign does not exceed 122 centimetres in length, 79 centimetres in width, and 46 centimetres in height,

(b) the sign is securely mounted to the vehicle, so that the sign and any advertising materials exhibited are unlikely to loosen or separate from the vehicle during operation,

(c) if the said rooftop sign obstructs or replaces any taxi roof sign required under paragraph 10 of section 12 of this Schedule, the vehicle shall have visible, from the front and rear of the vehicle, a rooftop sign with the same operation and content as that required under the said paragraph 10, indicating the name, number and owner of the taxi-cab, or its brokerage, and

(d) further provided that upon the addition of the rooftop sign to the vehicle, any exterior advertisement, except those for the taxi-brokerage but including the type mentioned in sub-paragraph (3), must be removed the sooner of when the vehicle is repainted, replaced, or the second anniversary of the date of passage of this by-law.

(3) One exterior painted advertisement measuring not more than 16 centimetres by 92 centimetres in size, provided that said advertisement is painted on the rear end of the vehicle and does not cover the licence plates, unless the rooftop sign permitted in sub-paragraph (2) above is added to the vehicle, in which case clause (d) above applies to the removal of the advertisement.

(90-338)

20. Not employ or permit any person other than a licensed taxi-cab driver employed by the taxi-cab owner to operate his or her taxi-cab.

21. At the request of a taxi-cab driver, give to the driver at the expiry of the driver's work shift a receipt showing the amount turned over to the owner by the driver.

22. Maintain a trip record on FORM 5 hereto annexed as Schedule "E" or a reasonable facsimile thereof of every trip, for a period of not less than three months or for such longer period as may otherwise be specified by the City by notice in writing, upon which each of the taxi-cabs is dispatched.

23. Permit the City or any person authorized by the City to remove the records referred to in regulation 22 for the purpose of inspection.

PART 3

Limited Interest Agreements

13.(1) Notwithstanding any provision of this Schedule, a plate owner may continue to hold a licence issued to that person as owner of a taxi-cab.

(2) A plate owner may enter into a limited interest agreement for use of the vehicle as a taxi-cab.

(3) No agreement except a limited interest agreement shall establish the eligibility of a plate user for a limited interest owner's licence.

(4) No plate owner shall transfer directly or indirectly or purport to transfer any limited interest in a taxi-cab owners licence to any person other than a plate user.

(5) No plate user shall transfer the whole or any part of a limited interest owner's licence to any other person and any such direct or indirect transfer is null and void.

14.(1) Every person who seeks to be a plate user shall complete the limited interest agreement on FORM 4 hereto annexed as Schedule "D", along with the plate owner.

(2) No more than two limited interest agreement shall be entered into by a plate owner in respect of the licence issued to the plate owner and any transfer of more than two limited interest agreement in the licence is null and void.

(3) Every limited interest agreement shall be filed with the Issuer of Licences prior to any transfer or rights to the plates and at least seven days before the date on which the limited interest agreement comes into force, whichever is first.

(4) No application for a limited interest owner's licence shall be accepted unless the limited interest agreement on FORM 4 hereto annexed as Schedule "D" is fully completed and duly executed and witnessed.

(5) Where a limited interest agreement referred to in Section 13(2) is for a period in excess of one year, the plate user shall file with the City within seven days of the date on which the yearly period ends,

(a) a notice in writing satisfactory to the Issuer of Licences that the agreement is in full force and effect and has not been revised, amended, altered or changed in any way; or

(b) a copy of the revised, amended, altered or changed agreement.

15. Every limited interest agreement shall include the following information set out in a manner and in a form satisfactory to the Issuer of Licences:

1. The name and business address of the plate owner and plate user.

2. The make, model, serial number, year of taxi-cab and full description of all equipment appurtenant thereto and serial numbers, if any.

3. The motor vehicle permit plate number issued under The Highway Traffic Act.

4. The City of Hamilton taxi-cab licence number and year.

5. The date on which the plate owner was issued the licence proposed to be the subject of the limited interest agreement.

6. That the plate user is the sole owner in his or her right of the taxi-cab.

7. The plate user is the holder of a current motor vehicle permit issued under The Highway Traffic Act.

8. Full particulars of all consideration given by each party to the limited interest agreement, in money or in any other kind,direct or indirect including fees or rental, and a breakdown of all other amounts given by the plate user to the plate owner, together with a list of all services, rights or other consideration given to the plate user by the plate owner in return therefor.

9. Full particulars as to the responsibility of each of the parties for the maintenance, repairs, gas and oil for the taxi-cab, and any requirements as to where and how such maintenance, repairs or purchases are to be made and as to payment therefor.

10. A term to the effect that where the plate user transfers or purports to transfer the limited interest, that the limited interest agreement is immediately terminated on a date fixed by the plate owner.

11. Date of termination of the limited interest agreement and in the case of a periodic limited interest agreement, particulars as to whether the agreement is on a daily, weekly, monthly, yearly or other basis.

12. Date on which the limited interest agreement comes into force and date of execution by the parties and date the agreement is witnessed.

16. The amount of consideration in the limited interest agreement upon approval by the Licence Committee shall be deemed to be full and fair, and no additional consideration shall be required, directly or indirectly, from the plate user.

17.(1) Every limited interest agreement and every written agreement referred to in Section 14(5), shall expire upon the sale or other disposition of the taxi-cab by the plate user.

(2) A limited interest licence taken out by a taxi-cab owner shall expire on the date the plate user ceases using the vehicle as a taxi-cab or otherwise transfers ownership in the vehicle to another person.

(3) When a limited interest agreement is for a term of more than seven days, the limited interest agreement may be terminated upon seven days notice in writing to the other party and to the City.

(4) Every plate owner and every plate user shall notify the Issuer of Licences in writing, of the expiration or termination of the limited interest agreement not later than seven days after the date of expiration or termination and include in the notice the following information:

1. The proposed use of the taxi-cab, if any.

2. The name and address of any other proposed plate user of the taxi-cab.

3. The identify of the person having custody and control of the taxi-cab after the date of expiration or termination.

PART 4

Taxi-cab Drivers

18. Every taxi-cab driver shall comply with the following regulations:

1. Not drive a taxi-cab unless a valid taxi-cab driver's licence has been issued to him or her.

2. Operate a taxi-cab only if the taxi-cab is,

(a) in clean condition as to its interior and exterior;

(b) in good repair as to its interior and exterior;

(c) dry as to its interior;

(d) free from mechanical defects;

(e) in fit condition for the purpose for which the vehicle is used; and

(f) in safe driving condition.

3. Examine the taxi-cab for any defects,

(a) immediately before the taxi-cab is to be driven for a shift; and

(b) immediately after the taxi-cab has been driven during a shift.

4. Not drive a taxi-cab unless the taxi licence plate issued by the City is affixed, as required by this Schedule, to the taxi-cab for which it was issued.

5. Subject to Part 5, not drive a spare vehicle as a taxi-cab without a taxi licence plate affixed to it in a manner and location approved by the City.

6. Carry his or her taxi-cab driver's licence with him or her at all times while operating the taxi-cab.

7. Immediately produce for inspection, the taxi-cab driver's licence and the Province of Ontario driver's licence upon request to do so by a by-law enforcement officer or police officer.

8. Operate only from a public taxi-cab stand, where the taxi-cab is a public taxi-cab.

9. Not drive a taxi-cab with luggage or other material piled or placed in a manner that obstructs the view of the taxi-cab driver.

10. Not carry in a taxi-cab used for hire a greater number of occupants or persons than the manufacturer's rating of seating capacity of such taxi-cab, inclusive of the driver.

11. Affix and maintain affixed when driving a taxi-cab a photo identity card in a place in the taxi-cab approved by the Licence Committee and in such a manner that the photograph and name are plainly visible and readable by a passenger in the back seat.

12. Not drive a taxi-cab unless an illuminated sign as required by this Schedule, is displayed on the roof.

13. Not drive a taxi-cab unless the City's current licence number is displayed as required by this Schedule.

14. Not drive the taxi-cab unless the taxi-meter is installed and in proper working condition and is illuminated and sealed.

15. Not wash or clean the taxi-cab while upon a public taxi-cab stand.

16. Not make repairs to the taxi-cab while upon a public taxi-cab stand unless the repairs are immediately required to render the taxi-cab operable.

17. While in charge of a taxi-cab,

(a) maintain his or her person in a neat and clean appearance; and

(b) be civil, well-behaved and polite in manner.

18. While in charge of a taxi-cab at a public taxi-cab stand,

(a) stand or sit sufficiently close to the taxi-cab so as to have it under constant close observation;

(b) not obstruct the use of the sidewalk; and

(c) not make any loud noise or disturbance.

19. Not induce any person to employ the taxi-cab,

(a) by knowingly misleading or deceiving such person as to the location or distance of any place; or

(b) by making any false representation to such person.

20. Not take on any additional passengers after the taxi-cab has departed with one or more passengers from a starting point except where,

(a) the taxi-cab is being used for the transportation of students to or from school,

(b) the taxi-cab driver has obtained the voluntary consent of the passengers already in the taxi-cab, or

(c) an emergency condition exists and has been declared such by the Chief of Police.

21. Not refuse to serve the first person requesting service of the taxi-cab, except where the person,

(a) owes the taxi-cab driver for a previous fare or service;

(b) refuses to disclose his or her final destination before or immediately after entering the taxi-cab;

(c) asks to be driven to any place that the taxi-cab driver considers on reasonable grounds to be unsafe;

(d) is obnoxious or abusive, or acts or uses language in a manner which reasonably leads the taxi-cab driver to anticipate,

(i) obnoxious behaviour,

(ii) refusal to pay all or part of the fare, or

(iii) physical injury to the taxi-cab driver or the taxi-cab.

22. Not refuse to serve any person other than the first person requesting service of the taxi-cab, except where the taxi-cab driver,

(a) has previously arranged for an engagement, and

(b) upon demand by a Licence Inspector or a Police Constable, gives the name and address of the person by whom he is so engaged and the time and place of such engagement.

23. Immediately record, as the taxi-cab driver, the reason for not serving any person requesting service of the taxi-cab.

24. Keep a daily record, called a "trip record", on FORM 5 hereto annexed as Schedule "E" to record all trips made by the taxi-cab.

25. Record the following information in the trip record of a taxi-cab:

(a) the Provincial permit number of the taxi-cab,

(b) the name, address and identification number of the driver of the taxi-cab;

(c) the meter reading of the taxi-cab at,

(i) the start of each working period, and

(ii) the finish of each working period.

(d) the date, time and location of the beginning and termination of each trip;

(e) the amount of fare collected for each trip.

26. Record the information required by regulation 25(a), (b) and (c)(i), prior to the commencement of every shift.

27. Record the information required by regulation 25(d) and (e) immediately following the conclusion of every trip and prior to the commencement of the next following trip.

28. While carrying passengers, charge only the exact rate of fare in accordance with PART 12 except where,

(a) the driver and passenger agree before the start of the trip,

(i) to an hourly rate; or

(ii) to a flat rate where the trip extends more than five kilometres beyond the City limits; **(90-357)**

(b) the taxi-cab is used for the transportation of students to and from school; or

(c) there is a prior contractual agreement to carry parcels or goods.

29. Not publish or use a tariff card other than the tariff card supplied by the City.

30. Charge or collect only one fare, calculated in accordance with Part 12, even when transporting two or more passengers.

30a. Paragraph 30 above shall not prevent the collection of the fare calculated in accordance with Part 12 in proportions from passengers where they have agreed amongst themselves to split the costs of the trip. (new)

31. Place the taxi-meter in a recording position only when a passenger first enters the taxi-cab, or while waiting for a passenger who has previously engaged a taxi-cab.

32. Place the taxi-meter in a non-recording position when,

(a) the passenger discharges the taxi-cab; or

(b) the taxi-cab arrives at its destination for the purpose of discharging the passenger.

33. While conveying passengers, keep and maintain the taxi-meter in a recording position throughout a trip within the city limits and within five kilometres therefrom. **(90-357)**

34. Take the shortest possible route to the destination specified by the passenger unless the passenger specifies another route.

35. Not charge a passenger for any fare for a trip,

(a) in a taxi-cab during any time the taxi-meter is not in a recording position; or

(b) where the taxi-cab driver refuses to show the tariff card to the passenger.

36. Not make any charge for time lost for any of the following reasons:

(a) Defect in the taxi-cab.

(b) Inefficiency or disrepair of the taxi-cab.

(c) Incompetence of the driver of the taxi-cab.

(d) Time consumed by arrival of the taxi-cab in response to a call in advance of the time such has been requested by the person calling for the taxi-cab.

37. Give a passenger a receipt showing the names of the passenger and the taxi-cab driver, and including his or her identification number, taxi-cab number, place of engagement and destination or place where the passenger exits from the taxi-cab,

(a) upon request by the passenger; or

(b) where there is a dispute with a passenger over the fare.

38. Immediately upon termination of any hiring or other engagement,

(a) search the taxi-cab for any property lost or left therein; and

(b) deliver any lost or left property over to the owner of same; or

(c) deliver the lost or left property to the taxi-cab broker; or

(d) where the owner cannot be found, deliver the lost or left property to the licence authority with any and all relevant information concerning the property.

39. Upon entering a taxi-cab stand,take the taxi-cab into position at the end of the line formed by taxi-cabs already on the taxi-cab stand.

40. Not permit, while in charge of a taxi-cab, any person other than the owner or an employee of the owner of the taxi-cab, to drive the taxi-cab.

41. At the conclusion of every trip,

(a) call the passenger's attention to the fare registered on the taxi-meter of a taxi-cab; and

(b) place the taxi-meter in the taxi-cab in a non-recording position.

42. Immediately report to the owner of the taxi-cab,

(a) any defect of which the taxi-cab driver is or becomes aware;

(b) any accident in which the taxi-cab driver was involved while operating the taxi-cab;

(c) any enforcement tickets or summons issued to the taxi-cab driver by an enforcement officer for violations occurring during that shift.

43. At the expiry of every work shift or work period, turn over to the employer of the taxi-cab driver,

(a) all monies received by the taxi-cab driver as fares, but not including any amount due to the driver as commission where previously agreed by the employer,

(b) the trip record no later than one hour after the end of his shift;

(c) any taxi-cab used by the taxi-cab driver during the shift or work period.

PART 5

Spare Vehicles

19.(1) The owner of one or more spare vehicles may, with approval of the City, register the vehicles with the City for use as a spare vehicle.

(2) Every taxi-cab owner of a spare vehicle that is used to substitute for a taxi-cab in respect of which an owner's licence has been issued, shall comply with the following regulations:

1. Affix to both sides of the exterior of every spare vehicle a number, in sequence designated by the City, which is,

(a) not less than six inches in height; and

(b) in contrasting colours to the colour of the vehicle; and

(c) affixed in a location approved by the City.

2. Affix the taxi plate issued by the city in respect of the taxi-cab being replaced to the spare vehicle in a manner and location approved by the City.

3. Comply with all other provisions of this Schedule applicable to a taxi-cab owner.

(3) Every driver of a spare vehicle that is used to substitute for a taxi-cab in respect of which an owner's licence has been issued, shall comply with the provisions of this Schedule applicable to a taxi-cab driver.

PART 6

Priority List

20.(1) Subject to Subsections (2) and (3), where an application has been made by an individual for an owner's licence that is not a renewal of a licence, and the applicant otherwise complies with the applicable provisions of this Schedule, his or her name and address shall, upon approval of the application by the Licence Committee and payment of application fee, be entered on a list entitled "Taxi-cab Priority List", which list was originally approved by Council on July 25, 1989.

(2)(a) No applicant's name shall be entered on the Taxi-cab Priority List that is not an individual.

(b) No applicant's name shall be entered on the Taxi-cab Priority List where the applicant has previously been issued one or more taxi-cab owner's licence by the City of Hamilton from the Taxi-cab Priority List.

(3)(a) No applicant's name shall be entered more than once on the Taxi-cab Priority List.

for a period of not less than one (1) full year immediately preceding the date of the application for entry on the Taxi-cab Priority List, and

(b) either,

(i) a certified true copy by Revenue Canada of income tax returns for the calendar year immediately preceding the date of the application, and/or

(ii) any one of, or any combination of, the following in respect of the one year immediately preceding the date of the application,

1. certified copy of record of employment,

2. statement(s) of insurable earnings as issued by the Unemployment Insurance Commission,

3. statement(s) of contributions to the Canada Pension Plan as issued by Revenue Canada,

4. monthly charge statements as issued by a taxi-cab broker operating in the City of Hamilton,

5. original trip records, or

6. such other or equivalent documentation as the Licensing Committee may accept.

(2)(a) For the purposes of Subsection 23(1)1.(a)(ii),

(i) "one full year" shall mean not less than 100 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 12 consecutive hours;

(b) for the purposes of Subsection 23(1)1.(a)(iii) and (iv),

(i) "one full year" shall mean not less than 150 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 8 consecutive hours.

(89-316)

24.(1) Applications for renewal of a name that has been entered on the Priority List must be filed annually with the Licence Administrator, no later than the 30th day of September. **(89-316)**

(2) Applications under Subsection (1) must be accompanied by the annual renewal fee as prescribed in Part II.

(3) Nothing in Subsections (1) and (2) shall obligate the City to issue a taxi-cab owner's licence to the applicant when his or her name comes to the top of the Taxi-Cab Priority List.

(4) Where an applicant under this Section fails to meet the requirements of this Section, his or her name shall be deleted from the Taxi-Cab Priority List.

25.(1) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant whose name has been entered on the taxi-cab Priority List unless the applicant complies with the following regulations:

1. The applicant shall file with the Licence Administrator within 14 days of the date of notice by the Licence Administrator and prior to consideration of the application by the Committee,

(a) a statutory declaration on FORM 1A annexed hereto as Schedule "B" that he or she has actually engaged in operating a taxi-cab full-time in the City as,

(i) a taxi-cab owner,

(ii) a licensed taxi-cab driver,

(iii) a taxi-cab dispatcher, or

(iv) a taxi-cab telephone service operator,

for a period of not less than two (2) full and consecutive years immediately preceding the date of consideration of the application by the Licence Committee; and

(b) either,

(i) a certified true copy by Revenue Canada of income tax returns for two consecutive years immediately preceding the date of consideration of the application by the Licence Committee; and/or

(ii) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of consideration of the application by the Licence Committee:

1. certified copy of record of employment,

2. statement(s) of insurable earnings as issued by the Unemployment Insurance Commission,

3. statement(s) of contributions to the Canada Pension Plan as issued by Revenue Canada,

4. monthly charge statements as issued by a taxi-cab broker operating in the City of Hamilton,

5. original trip records, or

6. such other or equivalent documentation as the Licensing Committee may accept.

(2)(a) For the purposes of subsection 25(1)1.(a)(ii),

(i) "one full year" shall mean not less than 100 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 12 consecutive hours;

(b) for the purposes of subsection 25(1)1.(a)(iii) and (iv),

(i) "one full year" shall mean not less than 150 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 8 consecutive hours.

(3) Where an applicant does not comply with the requirements of Subsections (1) and (2), his or her name shall be deleted from the Taxi-cab Priority List and no licence shall be issued to that applicant. **(89-316)**

(4) (REPEALED)

(5) (REPEALED)

26.(1) Notwithstanding Section 25, where an applicant under Section 25 is unable to meet the requirements of Subsection (1) of that section for medical reasons only, the applicant may file in lieu thereof a statutory declaration that he or she has actually engaged in operating a taxi-cab full time in the City as,

(i) a taxi-cab owner,

(ii) a licensed taxi-cab driver,

(iii) a taxi-cab dispatcher, or

(iv) a taxi-cab telephone service operator,

for a period of not less than two (2) consecutive years immediately preceding the onset of the medical disability.

(2)(a) Where an applicant elects to file a declaration under Subsection (1), on or before the date of consideration of the application by the Licence Committee, the applicant shall provide evidence, to the satisfaction of the Licence Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice.

(b) In addition to the requirements of Subsection (2)(a), an applicant under Subsection (1) shall submit to a medical examination by a medical practitioner selected by the Licence Committee and The Regional Municipality of Hamilton-Wentworth Human Resources Department.

(3) Nothing in this Section shall operate to relieve an applicant from any other applicable conditions or requirements of this Schedule.

(4) Where an applicant under this section fails to meet the requirements of this Section or the requirements of Section 25, as the case may be, his or her name shall be deleted from the Taxi-Cab Priority List and no licence shall be issued to that applicant.

27. Where an applicant is not the holder of a licence as a taxi-cab owner under this Schedule, a licence issued to the applicant from the Priority List shall not be approved for transfer or transferred for a period of at least five consecutive years from the date of issuance of the licence from the Priority List to the applicant. **(89-316)**

28. Where the applicant is the holder of one or more licences as a taxi-cab owner under this Schedule, and one or more additional owner's licences are subsequently issued to the applicant from the Priority List, any previously issued owner's licence including the owner's licence issued from the Priority List shall not be approved for transfer or transferred for a period of at least five consecutive years from the date of issuance of the most recent licence from the Priority List, unless the most recently issued licence from the Priority List is surrendered to the Licence Committee for cancellation. **(89-316)**

PART 7

Passengers

29. No person employing a taxi-cab shall refuse, upon demand, to pay the fare or charge authorized by this Schedule.

PART 8

Soliciting Business

30. No owner or driver of a taxi-cab shall loiter or solicit business in any street, alley or other public place, except when,

(a) waiting for a person who has engaged him or her; or

(b) parking in a designated public taxi-cab stand; or

(c) parking in an signed area where parking is permitted for motor vehicles under City of Hamilton Traffic By-laws.

PART 9

Promotional Schemes

31. No taxi-cab broker, taxi-cab owner or taxi-cab driver shall participate or acquiesce in any promotional scheme whose object or goal is to directly or indirectly subsidize the rates or fares prescribed in this Schedule, without the written consent of the Licence Committee.

PART 10

Taxi-cab Brokers

32.(1) Every taxi-cab broker shall comply with the following regulations:

1. Provide and maintain a business office in the City for the carrying on of his business.

2. Keep and maintain the business office in an orderly, clean and neat condition free at all times from debris and waste of any kind.

3. Keep and maintain the business office free at all times from drivers or other persons not immediately engaged in any business or whose presence may disrupt the orderly carrying on of business.

4. Provide and maintain communication facilities necessary to receive and transmit requests for taxi-cab service in proper working order.

5. Provide and maintain off-street parking for every taxi-cab that is available to respond to calls.

6. Furnish a list in writing to the Licence Administrator,

(i) of taxi-cab owners from whom he or she proposes to accept calls, and

(ii) of any changes on the list within two days of the change.

7. Accept calls for only those owners whose name appears on the list referred to in Regulation 6.

8. Keep and maintain a trip record on FORM 5 hereto annexed as Schedule "E", or a reasonable facsimile thereof, showing the number of the owner's licence which covers the taxi-cab used, the date and time of dispatch, and the point of beginning of each trip, for a period of six months from the date of the first trip of the record.

9. Make the trip record required by regulation 8 available for inspection by the Chief Licence Inspector or a Licence Inspector.

10. Notify the Issuer of Licences in writing at the beginning of each calendar year of the names of persons authorized to sign driver application forms on behalf of the taxi-cab broker.

(2) No taxi-cab broker shall dispatch a call for the conveyance of passengers for hire to a driver of a livery vehicle licensed under Schedule 4a.

(3) Subsection (2) shall not apply where the dispatch is to the holder of a Class B livery vehicle licence for the conveyance of disabled persons.

PART 11

Licence and Filing Fees

33. The amount of fees for matters under this Schedule shall be as follows:

(a) For initial application for entitlement to entry on the priority list . . $ 56.00;

(b) To annual renewal entitlement to entry on the priority list . . . . . $ 56.00;

(c) For the first issuance of a private taxi-cab licence from the Taxi-cab Priority List $3,308.00;

(d) For the yearly renewal of a private taxi-cab licence . . . . . $ 193.00;

(e) For each transfer of a private taxi-cab licence . . . . . $ 635.00;

(f) For the yearly renewal of a public taxi-cab licence . . . . . $ 318.00;

(g) For each transfer of a public taxi-cab licence . . . . . $ 635.00;

(h) For the first issuance of a taxi-cab broker's licence . . . . . $ 380.00;

(i) For the yearly renewal of a taxi-cab broker's licence . . . . . $ 254.00;

(j) For the issuance of a taxi-cab driver's licence . . . . . $ 28.00;

(k) For filing copy of a limited interest agreement in respect of the first car . . . . . $ 56.00;

(l) For the yearly renewal of the initial limited interest agreement in respect of the same first car . . . . . $ 56.00;

(m) For filing copy of a limited interest agreement in respect of any additional car . . . . . $ 193.00;

(n) For the yearly renewal of a limited interest agreement in respect of any additional car . . . . . $ 193.00;

(o) For filing a copy of a notice or an agreement under section 14(5) $ 27.00.

(92-007)

PART 12

Rates or Fares To Be Charged

34. A taxi-cab owner or taxi-cab driver shall charge for the conveyance of passengers, not including goods and services tax, either wholly within the City or to any point not more than five kilometres beyond its limit, only the rates or fares as follows:

1. Under agreement with the passenger,

(i) for each hour. $30.00;

2. For one or more passengers,

(i) for the first 1/10 of a kilometre or part thereof . . . . . $ 2.00;

(ii) for each additional 1/10 of a kilometre or part thereof . . . $ 0.10;

(iii) for waiting after engagement, for each 20 seconds or part thereof after the first 20 seconds $ 0.10;

(iv) notwithstanding subparagraphs (i), (ii) and (iii), for each engagement, a minimum charge of . . . . . $ 2.00;

(v) for loading and unloading groceries, luggage or other goods and chattels, for each 20 seconds or part thereof calculated after the first 20 seconds from the time the meter is turned on,

(a) at the commencement of the loading until completion of the loading . . . . . $ 0.10;

(b) at the commencement of the unloading until completion of the unloading . . . . . $ 0.10.

35. A meter may be so designed and adjusted that the fare shall be computed for time as well as distance, not including the goods and services tax, at 10 cents for each 20 seconds as above indicated, from the time or place when the passenger entered the taxi-cab, or from the first 20 seconds of waiting for the passenger as above indicated to the time or place at which the passenger discharged the cab, and the time for which the fare is chargeable shall include all unavoidable delays or stops.

35a.(1) The meter in a taxi-cab my be so adjusted, that goods and services tax is added to the total fare chargeable for a trip calculated under this part and mathematically rounded to the nearest tenth of a dollar, but calculation of the fare shall commence with a charge of $2.15 including the said tax for either the minimum charge as set out in paragraph (iv) of subsection 2 of section 34, or for the first tenth of a kilometre or part thereof, as set out in paragraph (ii) of subsection 2 of section 34, as may be applicable to the trip.

(2) For the purpose of this Schedule, "goods and services tax" shall mean the tax imposed by Goods and Services Tax Legislation on taxi fares at the rate so imposed from time to time.

36.(1) Rates or fares mentioned in Section 34 shall be reduced by 10% for persons issued an Ontario Senior Citizens Privilege Card issued by the Provincial Ministry of Community and Social Services, where all passengers travelling in a taxi-cab are holders of said card.

(2) Every reduction in rates or fares referred to in subsection (1), shall be calculated to the highest full dollar registered on the taxi-meter or the minimum charge referred to in subparagraph (iv) of paragraph 2 of Section 34, whichever is higher.

37. Schedules A (from by-law 89-316), B, C, D and E hereto annexed are included in and form part of this Schedule.

Schedule "A"

To

By-law No.

FORM 1

L. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONT
L8N 3T4
TEL 527-4154

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

APPLICATION FOR CAB OWNER LICENCE

(Please Print)

NAME _____
SURNAME CHRISTIAN OR GIVEN NAMES

ADDRESS _____

NAME AND ADDRESS OF BROKER YOU WILL BE ASSOCIATED WITH IF GRANTED A LICENCE _____

_____

HAVE YOU TRANSFERRED A CAB OWNER'S LICENCE TO ANOTHER PERSON DURING THE PAST TWO YEARS? _____

PLEASE LIST ALL EMPLOYERS WITHIN THE CAB INDUSTRY FOR WHOM YOU HAVE WORKED SINCE _____, INCLUDING DATES OF EMPLOYMENT.

_____

_____

_____

_____

_____

_____

ARE YOU PRESENTLY EMPLOYED OTHER THAN IN THE TAXI CAB INDUSTRY? _____

NAME OF EMPLOYER _____

IS THE EMPLOYMENT FULL TIME OR PART TIME? _____

DO YOU INTEND TO WORK IN THE TAXI CAB INDUSTRY FULL TIME? _____

I acknowledge that I have read the terms and conditions as set forth on the reverse side of this application and agree to accept a licence subject to these terms and conditions and I hereby certify the above information to be true to the best of my knowledge.

_____ SIGNED _____

A Commissioner For Taking Oaths, Etc.

DATE: _____
DAY MONTH YEAR

2. I understand that the conditions on which you issue such licences are as set out below:

(a) that the applicant has actually engaged in operating a taxicab full-time in the City as an owner or driver or dispatcher for a period of at least two years immediately prior to the date of consideration of the application by the Licence Committee.

(b) that the applicant has not granted, assigned, conveyed, transferred or otherwise passed on by sale, lease, gift or otherwise the use or possession of any other licence issued to him under this By-law 79-323, as amended, Schedule 4 for a period of at least two consecutive years immediately prior to the date of consideration of the application by the Licence Committee.

(c) that where an applicant is not the holder of a licence as a taxicab owner under this By-law 79-323, as amended, Schedule 4, a licence issued to the applicant shall not be approved for transfer or transferred for a period of at least five consecutive years from the date of the licence to the applicant;

(d) that if the recipient of the licence is presently licensed as a cab owner, he not be permitted for five years to transfer any licence presently held by him until he has surrendered the new licence to the City. (See By-law 79-323, as amended, Section 4(22).

(e) that no licensee who is the holder of a licence as a taxicab owner shall enter into any written or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the taxicab for which the licence was issued, by any other person

(f) that he must provide a suitable vehicle with the necessary equipment for the taxi industry, plus proof of insurance coverage, within thirty days of the date of approval of the application.

(g) that he file with the Committee a declaration setting out the financial arrangements pertaining to the purchase of the vehicle and equipment.

(h) the licence shall remain the property of the Corporation of the City of Hamilton and if the recipient fails to abide by any of the aforementioned terms, the licence shall be revoked by the City.

NOTE:

In addition to the foregoing policy all individuals who are presently on the "priority list" (as well as any other individual) may apply for one of these licences but it shall remain the perogative of the City of Hamilton Licence Committee to accept or not accept any of all of those on the "priority list". It should also be noted that the"priority list" will be used as an important criteria in the selection of the successful applicants.

Schedule "B"

To

By-law No.

FORM 2

APPLICATION FORM

TAXICAB DRIVER

SURNAME:..... CHRISTIAN NAMES:.....

SOCIAL INSURANCE NUMBER:.....DATE OF BIRTH.....

MARITAL STATUS.....NO. OF CHILDREN:..... PRESENT TELEPHONE No:.....

DRIVERS LICENCE NUMBER..... CLASS:.....

DRIVERS LICENCE EXPIRY DATE:.....NUMBER OF POINTS LOST.....

HISTORY OF RESIDENCE:

ADDRESS	TOWN OR CITY	PROVINCE/STATE	COUNTRY	DATE

NAME AND ADDRESS OF OWNER OR BROKER WITH WHOM YOU WILL BE ASSOCIATED:

HAVE YOU EVER BEEN CONVICTED OF A DRIVING OFFENCE: YES:____ NO:_____
IF YES, EXPLAIN:_____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE:YES:____ NO:_____
IF YES, EXPLAIN:_____

HAVE YOU HAD AN ACCIDENT IN LAST THREE YEARS: YES:____ NO:_____
IF YES, EXPLAIN:_____

HISTORY OF EMPLOYMENT:

EMPLOYER	ADDRESS	TYPE OF WORK	FROM MONTH-YEAR	TO MONTH-YEAR

INCORRECT OR OMITTED INFORMATION RENDERS THIS APPLICATION VOID

I certify the above information to be true to the best of my knowledge

DATE_____ SIGNATURE OF APPLICANT:_____

SIGNATURE OF OWNER:_____ PLATE NO:_____

SIGNATURE OF BROKER:_____

Schedule "C"

To

By-law No.

FORM 3

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

TRANSFER OF TAXI CAB PLATES

IN THE MATTER OF THE TRANSFER OF TAXICAB PLATE NUMBER _____ FROM

_____ TO _____

I, _____ , THE PRESENT OWNER OF TAXICAB PLATE NUMBER _____, HEREBY AGREE TO SELL SAID PLATE TO _____

I, _____, THE PURCHASER OF TAXICAB PLATE NUMBER _____, DO SOLEMNLY SWEAR THAT THE TOTAL CONSIDERATION IS AS FOLLOWS:

GOODWILL .....

CAR .....

METER .....

RADIO .....

ROOF SIGN ..... MAKE ..... YEAR .....

TOTAL .....

SWORN BEFORE ME AT THE CITY OF
HAMILTON, REGIONAL-MUNICIPALITY
OF HAMILTON-WENTWORTH
THIS _____ DAY _____ MONTH ____ YEAR

....

(A COMMISSIONER, ETC.)

Schedule "D"
To
By-law No.

FORM 4

The Corporation of the City of Hamilton

BY-LAW NO. 88-136

LIMITED INTEREST AGREEMENT

THIS AGREEMENT made on the day of , 19 .

B E T W E E N:

_____

Hereinafter called the "PLATE OWNER" of the First Part

- and -

_____

Hereinafter called the "PLATE USER" of the Second Part

1. WHEREAS THE PLATE OWNER holds a taxi-cab licence but has ceased owning a taxi-cab respecting which the licence was issued;

2. AND WHEREAS THE PLATE USER is the owner of a taxi-cab but is not the holder of a licence respecting a taxi-cab;

3. AND WHEREAS THE PLATE OWNER and the PLATE USER intend herein to enter into this Agreement (hereinafter referred to as a "limited interest agreement") wherein a licence is transferred temporarily by the PLATE OWNER to the PLATE USER.

4. NOW THEREFORE THIS AGREEMENT WITNESSETH in consideration of the mutual covenants and an agreement hereinafter contained, the PARTIES hereto mutually covenant and agree as follows:

A. PLATE OWNER'S COVENANTS AND AGREEMENTS:

1. An interest in City of Hamilton taxi-cab licence hereinafter referred to is hereby transferred to the PLATE USER for a period commencing on the _____ day of _____, 19____, and ending on the _____day of _____, 19__.

2. My full and correct name and business address is _____ _____.

3. The City of Hamilton taxi-cab licence number and year of issue is _____ _____.

4. The date on which the licence, which is the subject of this Agreement was issued _____.

5. Full particulars of all consideration given by me, whether in money or in any other kind, direct or indirect, including fees and/or rental _____ _____ _____

4. The motor vehicle permit plate number for the taxi-cab owned by me, issued under THE HIGHWAY TRAFFIC ACT is _____ _____.

5. I am the sole owner in my own right of the taxi-cab respecting which the PLATE OWNER is transferring to me a limited interest in his licence.

6. Full particulars of all consideration given by me, whether in money or in kind, direct or indirect, including fees and/or rental _____ _____ _____ _____ _____ _____ _____.

7. Breakdown of all other amounts given by me to the PLATE OWNER _____ _____ _____ _____ _____ _____ _____ _____.

8. Full particulars of my responsibility for the maintenance, repairs, gas and oil for the taxi-cab _____ _____ _____ _____ _____ _____.

9. Full particulars as to where and how the maintenance, repairs or purchases are to be made and payments therefor _____ _____ _____ _____ _____ _____ _____.

10. I will take out, before using the taxi-cab, insurance in accordance with regulation 3 of section 13 of Schedule 4 of By-law No. 79-323.

11. Upon any transfer or purported transfer, directly or indirectly, the limited interest in this Agreement, this Agreement shall be terminated on the date of the transfer or purported transfer or on the date, if any, fixed by the PLATE OWNER.

C. OTHER TERMS AND CONDITIONS by the Parties hereto set out in SCHEDULE "A" to this AGREEMENT not contrary to By-law No. 79-323.

D. PLATE OWNER'S AND PLATE USER'S JOINT COVENANTS AND AGREEMENTS:

1. The Agreement herein shall be for a period commencing on the _____day of _____, 19_____and ending on the _____ day of _____, 19____.

2. This Agreement is made on the following basis -- daily, weekly, monthly, yearly or _____ _____.

3. This Agreement comes into force on the _____ day of _____, 19___.

4. This Agreement shall be deemed to be executed by both Parties hereto and Witnessed on the _____day of _____ _____, 19____.

IN WITNESS WHEREOF the Parties hereto have affixed their hands and seals

THIS _____ day of _____, 19___.

_____ _____
Witness PLATE OWNER

_____ _____
Witness PLATE USER

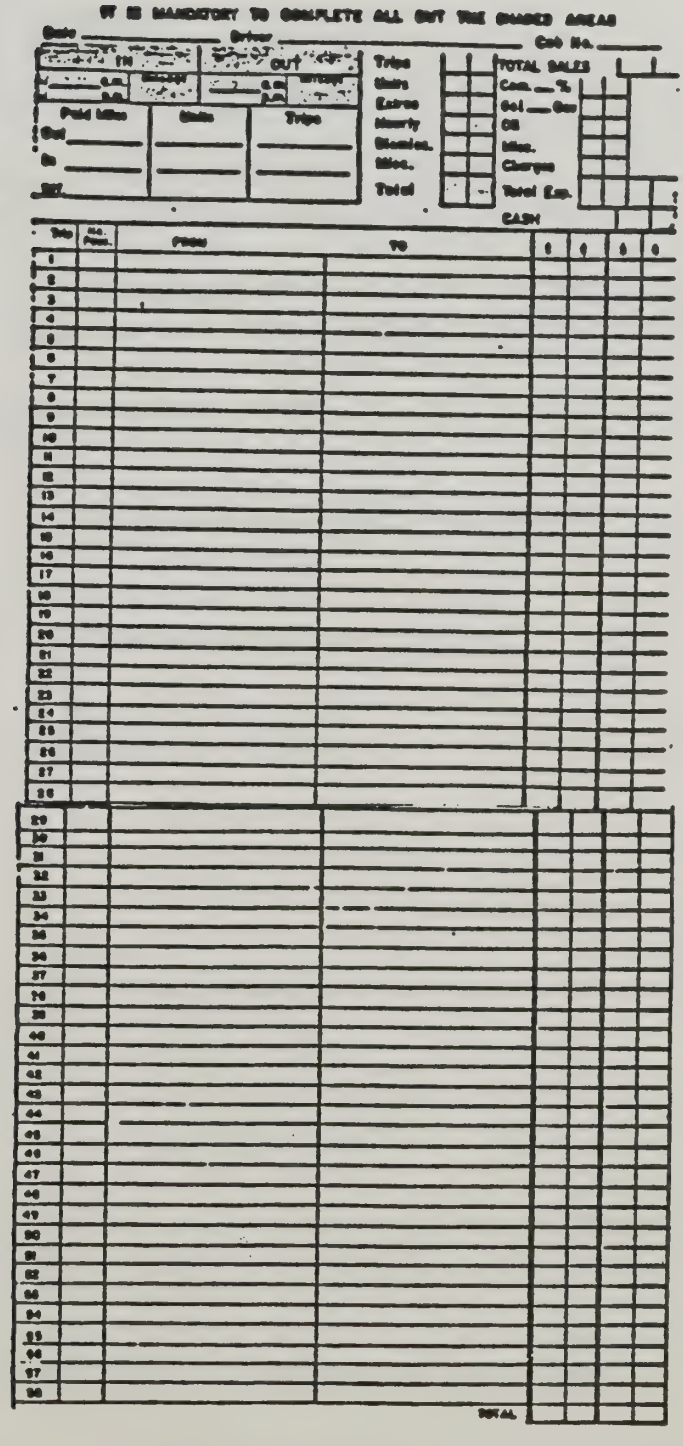
Note: If insufficient space, please enumerate provision on reverse side of page on which the provision appears and use or add pages and initial and date.

Schedule "E"

To

By-law No.

FORM 5



DRIVER'S SIGNATURE

EQUIPMENT FAULTS : BRAKES ☐ STEERING ☐ LIGHTS ☐ EXHAUST SYSTEM ☐
RADIO ☐ METER ☐
CLEANLINESS AND DAMAGE : INTERIOR ☐ EXTERIOR ☐
CHECK : OIL ☐ TRANSMISSION FLUID ☐

SCHEDULE 4a

LIVERY VEHICLES

1. In this Schedule,

(a) "City" means the City of Hamilton;

(b) "driver's licence" means a licence issued to a livery vehicle driver under this Schedule, and "licensed driver" has a corresponding meaning;

(c) "livery vehicle" means a vehicle for hire for the transportation of passengers, at a flat rate by agreement, that does not contain a taxi-meter;

(d) "livery vehicle driver" means a person who is licensed under this Schedule to drive a livery vehicle;

(e) "livery vehicle owner" means a person who is the owner of a livery vehicle;

(f) "owner" includes the owner of a vehicle or a purchaser of a vehicle, under contract, agreement, understanding or arrangement;

(g) "owner's licence" means a licence taken out by a vehicle owner authorizing the use of the vehicle as a livery vehicle.

PART 1

Administration

2.(1)(a) Every person who is and carries on business as;

(i) a livery vehicle owner, or

(ii) a livery vehicle driver

shall obtain from the City a licence authorizing that person to carry on or engage in the trade, calling or business of conveying passengers for hire in a livery vehicle.

(b) Subsection (1)(a)(ii) shall not apply to a livery vehicle driver who holds a current and valid taxi-cab driver's licence duly issued by the City.

(2) No person required to obtain a licence under Subsection (1) shall carry on or engage in the trade, calling or business of conveying passengers for hire in a livery vehicle without a licence.

(3) Where a person is required to obtain a licence under Subsection (1),

(a) a separate licence certificate shall be issued for each licence applied for; and

(b) a separate licence certificate shall be issued for each livery vehicle.

(4) Every licence certificate issued to a livery vehicle owner shall clearly identify,

(a) the one vehicle in respect of which the licence was issued;

(b) the class of livery vehicle licence in respect of which the licence certificate was issued;

(c) the term of the licence, including its expiry date.

(5) Every licence certificate issued to a livery vehicle driver shall clearly identify the term of the licence, including its expiry date.

3.(1) Every vehicle licensed under this section shall be operational and functional within 30 days of the issuance of the licence.

(2) No livery vehicle shall display a roof sign bearing the words "taxi-cab", "taxi", or "cab".

4.(1) Every licence issued to a livery vehicle owner or a livery vehicle driver shall entitle the licensee to carry on only such class of livery vehicle operation as specified on the licence.

(2) No livery vehicle owner or livery vehicle driver shall engage in any class of livery vehicle operation for which a licence has not been granted.

(3) The classes of livery vehicle operations shall be as follows:

(a) Class A: Transportation by Limousine
(b) Class B: Transportation of the Disabled at a Subsidized Rate

(4) No livery vehicle owner or livery vehicle driver shall hold more than one class of livery vehicle licence in respect of any livery vehicle.

(5) No livery vehicle licence of any class shall be transferable.

5.(1)(a) A Class A livery vehicle licence shall be issued to an applicant for a livery vehicle owner's licence where,

(i) the livery vehicle seats not less than 6 and not more than 9 passengers, including the driver; and

(ii) the livery vehicle has a wheel base of not less than 110 inches;

(b) Every livery vehicle owner and every livery vehicle driver licensed to operate a Class A livery vehicle shall charge a fare of not less than,

(i) $60.00 for every hour or part thereof; or

(ii) $110.00 per diem.

(2) A Class B livery vehicle licence shall be issued to an applicant for a livery vehicle owner or a livery vehicle driver licence, where:

(a) the vehicle operation is restricted to the conveyance of passengers, who are physically unable to climb or descend steps used on conventional public transit facilities or walk a distance of 175 metres; and

(b) the passengers pay a fare less than or equal to the cash fare charged for bus service by the Hamilton Street Railway Company, as it may be set from time to time, for travel within the boundaries of the City, or to a point not more than 5 kilometres beyond its limits. **(91-106)**

6.(1) Every applicant for an owner's licence or a renewal thereof and every applicant for a driver's licence or a renewal thereof, except where the applicant is the holder of a current and valid licence issued to a taxi-cab driver under Schedule 4, shall attend at the office of the Issuer of Licences and make and file an application in person and not by an agent or representative. **(89-316)**

(2) Where a livery vehicle is owned by,

(a) a partnership, a partner shall attend for the purpose of subsection (3);

(b) a limited company,the chief operating officer of the company shall attend for the purpose of subsection (3).

(3) Every applicant who is a livery vehicle owner shall fully complete an application on the standard licence application form for the City of Hamilton.

(4) Except where the applicant is the holder of a current licence issued to a taxi-cab driver under Schedule 4, every applicant who is a livery vehicle driver shall fully complete an application in FORM 2 annexed hereto as Schedule "A". **(89-316)**

(5) Every applicant for licence as a livery vehicle driver shall, in addition to other information required under this by-law, with his application and renewal of application, provide for inspection by the Issuer of Licences, a Class "G" licence issued under The Highway Traffic Act.

(6) Every application for renewal of a Class A livery vehicle owner's licence shall be accompanied by a completed trip record, as required under regulation 19 of Section 12, for the current year during which the livery vehicle licence is in full force and effect.

(7) Failure to comply with the requirements of subsection (6) may cause the application for renewal to be denied.

7.(1) Except where the applicant is the holder of a current licence issued to a taxi-cab driver under Schedule 4, every applicant for a driver's licence shall, before a licence is issued, undertake and successfully complete one or more written tests pertaining to his or her knowledge of, (89-316)

(a) the operation of the livery vehicle, and of the City of Hamilton Licensing Code, By-law No. 79-323, as amended, as it relates to taxi-cabs and livery vehicles;

(b) the laws and regulations pertaining to traffic and motor vehicles;

(c) the relationship between taxi-cab drivers and livery vehicle drivers with respect to passengers including duties, behaviours, appearance, decorum;

(d) the use of the equipment part of taxi-cabs including two-way radio, taxi-meter, roof lights;

(e) the use of trip sheets, making damage reports and record keeping; and

(f) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides.

(2) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant unless;

(a) the applicant achieves not less than 70% on each test required to be undertaken; and

(b) the applicant has a photo identification taken by the City.

8.(1) Before a licence is issued, the livery vehicle owner or livery vehicle driver shall, if required by the City, provide a medical certificate in a form supplied by the City signed by a duly qualified medical practitioner in the Province of Ontario, certifying that the owner or driver of the livery vehicle is physically and mentally fit to drive a livery vehicle.

(2) Every livery vehicle owner and every livery vehicle driver shall provide a certificate of the Medical Officer of Health for The Regional Municipality of Hamilton-Wentworth, as to the health of the owner or driver from time to time as the City may require by notice in writing delivered by first class mail to the owner or driver at his business address or place of residence.

9. Every livery vehicle owner and every livery vehicle driver shall be at least eighteen years of age.

10. Every livery vehicle owner and every livery vehicle driver shall notify the Issuer of Licences within 7 days of a change of address and produce his or her licence for the changes of address to be entered.

11. No licensee who is the holder of a licence as a livery vehicle owner shall enter into any written agreement or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the livery vehicle for which the licence was issued, by any other person who is not a licensed livery vehicle driver.

PART 2

Livery Vehicle Owners

12.(1) Every livery vehicle owner shall comply with the following regulations:

1. Before acting as a driver of a livery vehicle owned by him,

(a) comply with all the requirements for the issuance of a livery vehicle driver's licence except payment of a licence fee for a driver's licence; and

(b) obtain the approval of the Licence Committee.

2. Before issuance of an owner's licence provide the City, in writing, with the following information in respect of every vehicle to be used as a livery vehicle,

(a) clear identification of the vehicle, including the make and serial number,

(b) certificate of ownership,

(c) certificate of insurance,

(d) Safety Standard Certificate as issued by the Ministry of Transportation, and

(e) such other particulars as the City may request.

3. For each livery vehicle for which the owner holds a licence, and before use of the livery vehicle,

(a) obtain a policy of insurance in respect of the livery vehicle in an amount not less than $500,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;

(b) provide a special endorsement to the policy of insurance referred to in clause (a), for passenger hazard in an amount not less than $500,000,exclusive of interest and costs;

(c) cause to be endorsed on the policy of insurance referred to in clause (a), that the City shall be given at least ten days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy; and

(d) deposit a certified true copy of the policy of insurance and all endorsements with the City.

4. Maintain the policy of insurance, referred to in regulation 3 of this section, in force and effect during the entire period for which the licence is issued and in force and effect.

5. Use or permit to be used a livery vehicle only where prior to its use;

(a) the owner has produced a registration issued under The Highway Traffic Act, in respect of the class of motor vehicle to be used as a livery vehicle;

(b) the City has been informed of any changes in the motor vehicle registration; and

(c) the owner has submitted the motor vehicle to the City for approval and has obtained authorization for the vehicle to be used.

6. Subject to The Highway Traffic Act, not use or permit to be used any livery vehicle that does not have affixed to the vehicle;

(a) a City of Hamilton licence plate having an identity number and clear indication that the livery vehicle is licensed for use in the livery business as a livery vehicle; or

(b) a duplicate licence plate, as may be supplied by the City at the expense of the owner of a livery vehicle where the original licence plate has been lost, defaced or destroyed.

7. Affix to the back of each livery vehicle in a manner and in a position approved by the City any livery vehicle licence plate issued by the City and maintain the licence plate only in the approved position during the period for which the licence is in force and effect.

8. Cause a livery vehicle to be submitted for inspections from time to time by such person and at such times and places as the City may designate.

9. Make such improvements or repairs to the livery vehicle, its equipment or any component thereof as may be required by the City and within such time period specified by the City, to such standards as may be approved by the Licence Committee.

10. Immediately check for mechanical defects in the livery vehicle reported by a driver.

11. Not operate or permit to be operated as a livery vehicle any vehicle not in good mechanical condition.

12. Not operate or permit to be operated as a livery vehicle any vehicle unless a Motor Vehicle Safety Certificate on a form and in a manner approved by the Province of Ontario has been filed with the City in a manner and frequency approved by the Licence Committee.

13. Not employ or permit any person other than a licensed livery vehicle driver or licensed taxi-cab driver employed by the livery vehicle owner to operate his or her livery vehicle.

14. Not use the livery vehicle for the separate carrying of parcels, letters, documents, goods or chattels.

15. Provide to the Licensing Administrator at the time that the licence is issued, a Schedule of Fees to be charged in respect of the use of the vehicle and its driver.

16. Charge fees for the use of the vehicle and its driver in accordance with the Schedule of Fees referred to in regulation 15 above.

17. Ensure that a licensed livery vehicle driver operating the owner's livery vehicle charges fees in accordance with the Schedule of Fees referred to in regulation 15 above.

18. Notify the Licensing Administrator in writing of any proposed change in the Fee Schedule prior to invoking such change.

19. Maintain a trip record on FORM 5 hereto annexed as Schedule "B" or on any reasonable facsimile thereof, which shall be kept in the licensed livery vehicle at all times and prepared immediately upon conclusion of every trip and which shall contain the following information:

(a) the name and address of the person hiring the livery vehicle;

(b) the time of the commencement of the trip and the time of the conclusion of the trip;

(c) the address of the place of origin of the trip and the address of the place of final discharge of the passengers at the conclusion of the trip; and

(d) the fee charged.

20. Ensure that a driver operating the owner's vehicle maintains a trip record as required by regulation 19 above.

21. Keep all trip records referred to in regulation 19 above, for a period of at least twelve months.

22. Permit any person authorized to enforce this by-law to inspect any and all trip records on the premises or to remove any and all trip records from the premises for the purpose of inspection.

(2) Regulations 15 to 22 of Subsection (1) shall not apply to a livery vehicle owner holding a Class B licence in respect of the livery vehicle.

13.(1) Every livery vehicle driver shall comply with the following regulations:

1. Not drive a livery vehicle unless a valid livery vehicle driver's licence has been issued to him or her.

2. Operate a livery vehicle only if the livery vehicle is,

(a) in clean condition as to its interior and exterior;

(b) in good repair as to its interior and exterior;

(c) dry as to its interior;

(d) free from mechanical defects;

(e) in fit condition for the purpose for which the vehicle is used; and

(f) in safe driving condition.

3. Examine the livery vehicle for any defects immediately before the livery vehicle is to be driven.

4. Not drive a livery vehicle unless the livery vehicle plate issued by the City is affixed as required by this Schedule, to the livery vehicle for which it was issued.

5. Carry his or her livery vehicle driver's licence with him or her at all times while operating the livery vehicle.

6. Immediately produce for inspection, the livery vehicle driver's licence and the Province of Ontario driver's licence, upon request to do so by a licence inspector or police officer.

7. Not drive a livery vehicle with luggage or other material piled or placed in a manner that obstructs the view of the livery vehicle driver.

8. Not carry in a livery vehicle used for hire a greater number of occupants or persons than the manufacturer's rated seating capacity for that vehicle, inclusive of driver.

9. Affix and maintain affixed when driving a livery vehicle, a photo identity card in a place in the livery vehicle approved by the Licence Committee in such a manner that the photograph and name are plainly visible and readable by a passenger in the back seat.

10. Not drive a livery vehicle unless the City's current livery vehicle licence number is displayed as required by this Schedule.

11. Not make repairs to the livery vehicle while upon a public street unless the repairs are immediately required to render the livery vehicle operable.

12. While in charge of a livery vehicle,

(a) maintain his person in a neat and clean appearance; and

(b) be civil, well-behaved and polite in manner.

13. Immediately upon termination of any hiring or other engagement of the livery vehicle,

(a) search the livery vehicle for any property lost or left therein; and

(b) deliver any lost or left property over to the owner of same; or

(c) where the owner cannot be found, deliver the lost or left property to the licence authority along with any and all relevant information concerning the property.

14. Not permit, while in charge of a livery vehicle, any person other than the owner or an employee of the owner of the livery vehicle to drive the livery vehicle.

15. Immediately report to the owner of the livery vehicle,

(a) any defect of which the livery vehicle driver is or becomes aware;

(b) any accident in which the livery vehicle driver was involved while operating the livery vehicle;

(c) any enforcement tickets or summons issued to the livery vehicle driver by an enforcement officer for violations occurring while operating the livery vehicle.

(2)In addition to the regulations in Subsection (1), every Class A livery vehicle driver shall comply with the following regulations:

1. Charge fees in accordance with the schedule of Fees provided to the Licence Committee by the owner of the livery vehicle under regulation 15 of Section 12.

2. Maintain a trip record in accordance with regulation 19 of Section 12.

14. No person, including the driver, shall smoke a cigarette, cigar, pipe or any tobacco-using devices without the consent of the occupants of the livery vehicle.

15. No owner, driver or other person shall use or cause to be used or arrange for the use of, directly, indirectly at any time by agreement or understanding or otherwise a livery vehicle in substitution for a taxi-cab.

PART 3

Licence Fees

16. The amount of licence fee for a licence granted under this Schedule shall be as follows:

1. For a livery vehicle owner's licence Class A or B $193.00;

2. For renewal of a livery vehicle owner's licence, Class A or B $193.00;

3. For a livery vehicle driver's licence ..... $ 28.00;

4. For renewal of a livery vehicle driver's licence ..... $ 28.00.

17. Schedules A and B annexed hereto are included in and form part of this Schedule.

FORM 2

APPLICATION FORM

LIVERY DRIVER

SURNAME:..... CHRISTIAN NAMES:.....

SOCIAL INSURANCE NUMBER:.....DATE OF BIRTH.....

MARITAL STATUS.....NO. OF CHILDREN:..... PRESENT TELEPHONE No:.....

DRIVERS LICENCE NUMBER..... CLASS:.....

DRIVERS LICENCE EXPIRY DATE:.....NUMBER OF POINTS LOST.....

HISTORY OF RESIDENCE:

ADDRESS	TOWN OR CITY	PROVINCE/STATE	COUNTRY	DATE

NAME AND ADDRESS OF OWNER OR BROKER WITH WHOM YOU WILL BE ASSOCIATED:

HAVE YOU EVER BEEN CONVICTED OF A DRIVING OFFENCE: YES:____ NO:_____
IF YES, EXPLAIN:_____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE:YES:____ NO:_____
IF YES, EXPLAIN:_____

HAVE YOU HAD AN ACCIDENT IN LAST THREE YEARS: YES:____ NO:_____
IF YES, EXPLAIN:_____

HISTORY OF EMPLOYMENT:

EMPLOYER	ADDRESS	TYPE OF WORK	FROM MONTH-YEAR	TO MONTH-YEAR

INCORRECT OR OMITTED INFORMATION RENDERS THIS APPLICATION VOID

I certify the above information to be true to the best of my knowledge

DATE_____ SIGNATURE OF APPLICANT:_____

SIGNATURE OF OWNER:_____ PLATE NO:_____

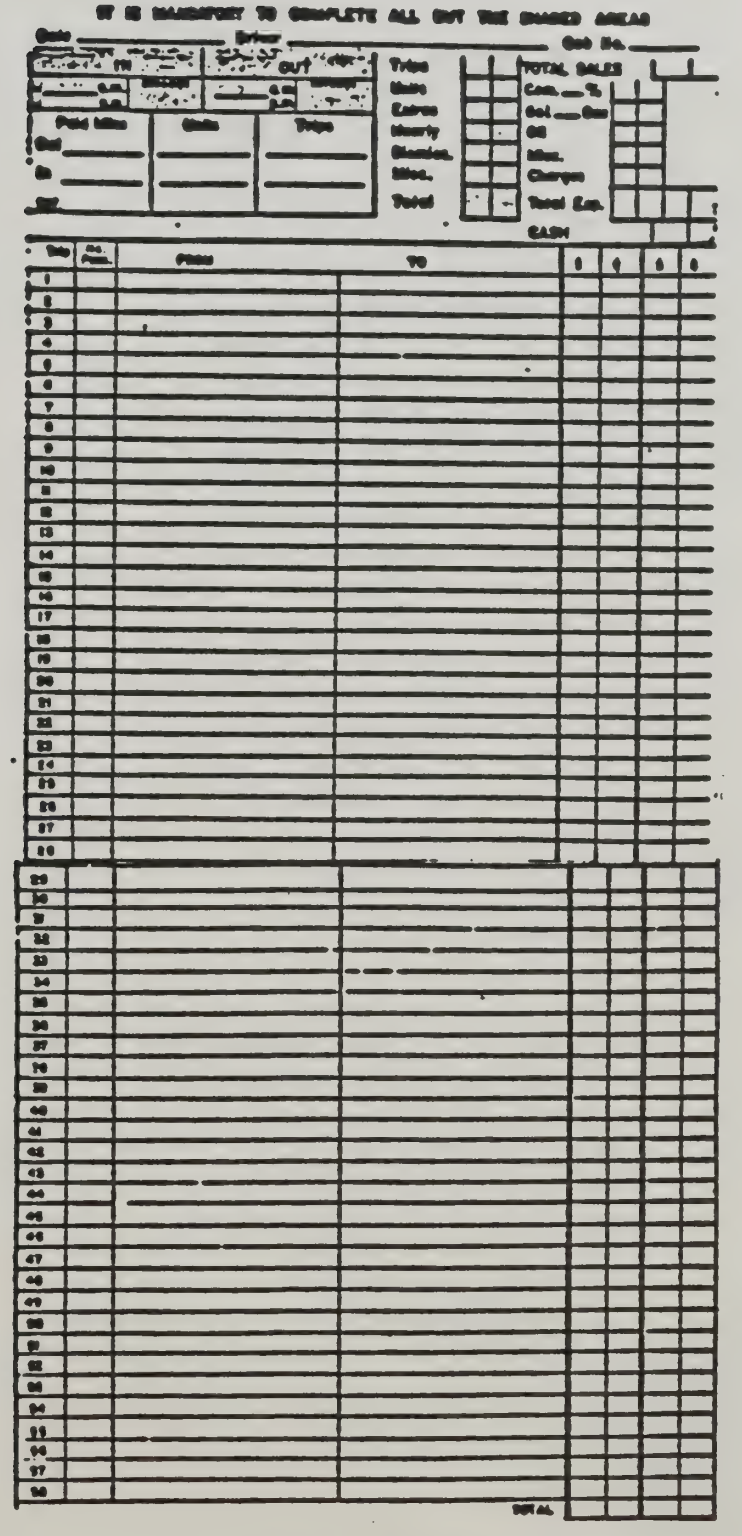
SIGNATURE OF BROKER:_____

Schedule "B"

To

By-law No.

FORM 5



Bill No. H-11

The Corporation of the City of Hamilton

BY-LAW NO. 93- *043*

To Amend:

Schedule 4 of Licensing By-law No.79-323

Respecting:

INTERIOR ADVERTISING IN TAXI-CABS

AND WHEREAS taxi-cabs are licensed, regulated and governed by Schedule 4 to Licensing By-law No. 79-323 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 3 of the 22nd Report of the Finance and Administration Committee, at its meeting held on the 10th day of November, 1992, directed that Schedule 4 of By-law No. 79-323 be further amended to allow additional interior advertising in taxi-cabs as hereinafter provided;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 19 of section 12 of Schedule 4 of Licensing By-law No. 79-323 is amended by adding the following as sub-paragraph (1a), immediately after sub-paragraph (1):

"(1a) One interior display unit placed on the ceiling, not exceeding 41 centimetres high by 122 centimetres wide, and which does not obstruct access to the vehicle, the drivers view of traffic, or the visibility of the photo identity card, meter, licence and tariff card; and"

2. In all other respects By-law No. 79-323 as amended, is hereby confirmed without change.

PASSED this *23rd* day of *February* A.D 1993.

City Clerk

Mayor

Bill No. *H-57*

The Corporation of the City of Hamilton

BY-LAW NO. 93-218

To Amend:

Schedule 4 of Licensing By-law No. 79-323

Respecting:

TAXI-CAB PRIORITY LIST AND PROCEDURES

WHEREAS it is desirable to close the priority list to the entry of new names, and provide for late renewal of names already entered on the list;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sections 20, 21, 22, 23, 24, and 25 of Schedule 4 to Licensing By-law No. 79-323, as amended and consolidated in By-law 93-069, are repealed and replaced with the following:

DEFINITION

20. The "Taxi-cab Priority List", means the list of names, addresses and dates of entry originally adopted by Council on July 25, 1989, as amended and as may be amended from time to time.

PRIORITY ONLY

21. The use of the Taxi-Cab Priority List is as a list of persons currently interested in taxi owner's licences and shall not oblige the City to issue a licence to anyone on the list, regardless of being at the top or the earliest entry, and its use shall be for the order of priority of persons entered on the list only.

CLOSURE OF LIST

22. (1) No names shall be added to the Taxi-cab Priority List, subject to the powers of the Licence Committee under this by-law and the powers of Council, and the Licence Administrator shall not receive or process applications for entry to the list.

TRANSITION

(2) Under the provisions of this by-law in force immediately before the coming into force of this section and notwithstanding subsection (1):

(a) The Licence Administrator may process an individual's application for entry on the Taxi-cab Priority List, where the application was received with the set fee on or prior to October 26, 1993;

(b) an individual may have their application for entry on the Taxi-cab Priority List considered by the Licence Committee where it was filed with the Licence Administrator at the Office of the City Clerk with the set fee on or prior to October 26, 1993; and

(c) the Licence Committee may add the individuals name and address to the Taxi-cab Priority List upon approval of the application above, along with the date the application was received.

RENEWAL

23. (1) Individuals whose names are on the Taxi-cab Priority List shall renew their entry on the list on or before September 30 of each year, by paying the prescribed fee and attending before the Licence Administrator at the Office of the Clerk, to confirm as accurate or amend the details of the entry.

(2) The Licence Administrator may receive and process renewals and fees for individuals on the Taxi-cab Priority List, note any changes, and submit an amended list to the Licence Committee for approval.

(3) An individual who fails to renew their entry on or before September 30, shall file with the Licence Administrator at the Office of the City Clerk a $100.00 late filing fee and attend before the Licence Administrator at the Office of the Clerk, to confirm as accurate or amend the details of the entry on or before December 31 of that same year, so as to have their entry maintained on the list at the prior position.

(4) Where an individual fails to meet the requirements of this section for renewal, the Licence Administrator shall delete their name from the Taxi-cab Priority List.

ISSUANCE OF TAXI OWNER'S LICENCES

24. (1) When Council gives approval for the issuance of additional taxi owner's licences, the Licence Administrator shall advise the Licence Committee of the numbers of licences to be issued.

(2) The Licence Administrator may then send notices to individuals on the Taxi-cab Priority List in number felt sufficient to complete the issuance of available taxi owner's licences, and arrange for hearings to be held on applications.

25. (1) An individual who is entered on the Taxi-cab Priority List, after being notified by the Licence Administrator under section 24, shall submit an application in compliance with the following:

1. The applicant shall file with the Licence Administrator within 14 days of the date of notice by the Licence Administrator and prior to consideration of the application by the Committee,

(a) a statutory declaration on FORM 1A annexed hereto as Appendix "B" to Schedule 4 that he or she has actually engaged in operating a taxi-cab full-time in the City as,

(i) a taxi-cab owner,

(ii) a licensed taxi-cab driver,

(iii) a taxi-cab dispatcher, or

(iv) a taxi-cab telephone service operator,

for a period of not less than two (2) full and consecutive years immediately preceding the date of consideration of the application by the Licence Committee; and

(b) either,

(i) a certified true copy by Revenue Canada of income tax returns for two consecutive years immediately preceding the date of consideration of the application by the Licence Committee; or

(ii) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of consideration of the application by the Licence Committee:

1. a certified copy of record of employment,

2. statements of insurable earnings as issued by the Unemployment Insurance Commission,

3. statements of contributions to the Canada Pension Plan as issued by Revenue Canada,

4. monthly charge statements as issued by a taxi-cab broker operating in the City of Hamilton,

5. original trip records, or

6. such other or equivalent documentation as the Licensing Committee may accept.

(2) (a) In the case of a taxi-cab driver, for the purposes of subsection 25(1)1.(a)(ii),

(i) "one full year" shall mean not less than 100 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 12 consecutive hours; and

(b) in the case of a taxi-cab dispatcher or telephone service operator, for the purposes of subsection 25(1)1.(a)(iii) and (iv),

(i) "one full year" shall mean not less than 150 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 8 consecutive hours.

(3) Upon issuance or denial of a taxi owner's licence to an individual under this by-law, the Licence Administrator shall delete the individuals name from the Taxi-cab Priority List.

(4) The Licence Administrator shall notify an individual that a taxi owner's licence may be issued, and the individual shall within fourteen (14) days of the date of giving notice submit proof of compliance with paragraphs 3 and 5 of section 12 of this Schedule.

(5) Notwithstanding the provisions of this part, the Licence Committee may,

(a) delete names of individuals from the Taxi-cab Priority List, or

(b) add names of individuals to the Taxi-cab Priority List in order of date of application.

2. In all other respects By-law No. 79-323, as amended and consolidated in By-law 93-069, is confirmed without change.

PASSED this 26th day of October A.D. 1993.

D. E. Holland

Acting City Clerk

Mayor

Bill No. D-17

The Corporation of the City of Hamilton

BY-LAW NO. 96-047

To Amend:

Schedule 4 of Licensing By-law No. 93-069

Respecting:

INTERIOR ADVERTISING IN TAXI-CABS

WHEREAS taxi-cabs are licensed, regulated and governed by Schedule 4 to Licensing By-law No. 93-069 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 11 of the 4th Report of the Finance and Administration Committee, at its meeting held on the 27th day of February, 1996, directed that Schedule 4 of By-law No. 93-069 be further amended to allow rear window advertising;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 19 of section 12 of Schedule 4 to Licensing By-law No. 93-069, as amended in By-law 93-043, is further amended by adding the following as sub-paragraph (1b), immediately after sub-paragraph (1a) :

> "(1b) In addition to the advertising permitted in sub-paragraphs (1) and (1a), advertising is permitted on the rear window of the taxi-cab, provided it is transparent from the interior of the taxi-cab so the driver is able to observe traffic and objects through the rear window of the vehicle; and "

2. In all other respects By-law No. 93-069 as amended, is hereby confirmed without change.

PASSED this 26th day of March A.D. 1996.

City Clerk

Mayor

SCHEDULE 5

CARTAGE BUSINESSES

1. In this Part,

(a) "cartage vehicle" means a motor vehicle used for hire for the conveyance of goods or other articles or material from one point within the City to another point within the City; and

(b) "operator" means a person hiring a cartage vehicle from any person and then hires out the use of the cartage vehicle to any person.

Licence Required

Owners

2.(1) No person shall, in the City of Hamilton, being the owner of a cartage vehicle, carry on the business of conveying goods or other articles or material for hire without a licence under this by-law, entitling him so to do.

(1a) No operator shall, in the City of Hamilton, carry on the business of conveying goods or other articles or materials for hire without a licence under this by-law, entitling him so to do.

(2) Repealed. By-law No. 79-164.

(3) Every owner and every operator shall take out a separate licence for one or more of the following classes of cartage vehicles:

(a) CLASS "A" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued for the carriage of general freight within the City of Hamilton and for the carriage of parcels or goods authorized to be carried under Class "E" licence.

(b) CLASS "B" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued when such vehicle is equipped with pads, belts, hooks, wardrobes and special packing containers, for the carriage of,

(i) used household office and store furniture;

(ii) new uncrated furniture and fixtures that are part of the furnishing of the dwelling in which they are to be used;

(iii) new uncrated furniture and fixtures that are part of the furnishings of offices, museums, hospitals, factories and public institutions; and

(iv) objects of art, displays, exhibits and electronic equipment that because of their unusual nature or value require specialized handling.

(c) CLASS "C" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued for the carriage in dump trucks or hopper type vehicles of goods in bulk and of a type that may be scooped, poured, forked, shovelled or dumped.

(d) CLASS "D" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued for the carriage of goods to or from the person named in the licence.

(e) CLASS "E" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued for the carriage of parcels or goods where shipments made to any one consignee do not exceed five hundred pounds (500 lbs.) in weight and where the cartage vehicle has a gross weight not in excess of five thousand pounds (5,000 lbs.).

(f) CLASS "F" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued for the carriage of goods which by virtue of their weight, size, shape or nature require the use of specially designed vehicles and handling devices provided that float equipment is used.

Application for Licence

3.(1) Every application with respect to a cartage vehicle shall be delivered by the applicant to the Issuer of Licences.

(2) Every applicant for a Class "C" licence or for a renewal of a Class "C" licence shall, at the time of application, file a safety standards certificate for each cartage vehicle, that was issued upon inspection that was completed in respect of the cartage vehicle not more than thirty days from the date of the application.

Owner's Licence Certificate

4. On every owner's licence certificate shall be shown the identity of the one cartage vehicle for which the licence is granted, and a separate licence certificate shall be required for each vehicle.

Drivers' Duties

5. Every driver shall notify the Issuer of Licences and the Chief Constable and Chief Licence Inspector within six days of any change of address, and shall promptly report all accidents or other mishaps with respect to the cartage vehicle, or with respect to any cargo or other property, shall not unnecessarily do any washing or repairing of his cartage vehicle in any street, alley or other public place, and, at any time when the same may not be safe to be driven, shall at once report to the Chief Constable or Chief Licence Inspector and shall not again drive it until it has again been made safe, and shall not at any time drive a cartage vehicle with respect to which a licence is required by the provisions of this Schedule unless it has affixed to the right-hand side thereof in a position in which it may readily be seen the City's current licence plate.

Owners' Duties

Insurance

6.(1) Except as provided in Subsection (2), as a pre-condition to the issuing of a licence certificate under this Schedule to the owner of any cartage vehicle, such owner shall deposit with the City by delivering to the Issuer of Licences the written certificate of an insurer duly licensed under The Insurance Act to carry on in Ontario the business of automobile insurance, that it has issued to or for the benefit of such owner in respect of such cartage vehicle a motor vehicle liability policy which is on the date of the certificate in full force and effect, in an amount of not less than $50,000.00 exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and where in any one accident damages result from bodily injury or death and loss of or damage to property;

(a) claims arising out of bodily injury or death shall have priority over claims arising out of loss or damage to property to the amount of $40,000.00; and

(b) claims arising out of loss or damage to property shall have priority over claims arising out of bodily injury or death to the amount of $10,000.00,

and such written certificate of the insurer shall certify that it is provided in the policy that the same will not be cancelled or expire except upon ten days' prior written notice thereof to the City, delivered to the Licence Administrator, and that until such notice is given the policy and the certificate are valid, and sufficient to cover the term of any renewal or extension of such motor vehicle liability policy by the insurer, and any renewal or extension of the terms of such owner's licence by the City.

(2) Notwithstanding Subsection (1), where a person owns five or more motor vehicles to be used for the purpose of the licensed business, a liability insurance policy similar to the liability policy referred to in subsection (1) may, with the approval of the City, be carried in an amount not less than $300,000.00.

Miscellaneous

(3) Every person carrying on a business as an owner for which a licence is required by the provisions of this Schedule, or as a driver, shall be responsible;

(a) that the Chief Licence Inspector and the Chief Constable are notified in writing within six days of any change of address;

(b) that no vehicle or motor vehicle is used in his business except one the use of which is authorized by a licence issued under this by-law;

(c) that no such vehicle or motor vehicle is used for hire when not in safe driving condition;

(d) that no such vehicle or motor vehicle is used for hire without having affixed to the right-hand side thereof, in a position in which it may most readily be seen, the City's current licence plate, and having no other number showing except the provincial licence number or numbers;

(e) that no such vehicle or motor vehicle is driven by any driver not holding a licence under this by-law;

(f) that within forty-eight hours of the employment or termination of employment of any driver, written notice thereof is given to the Chief Licence Inspector and to the Chief Constable;

(g) that every cartage vehicle shall have a safety check by the Ministry of Transport at least once each year.

(4) Subsections (1), (2) and (3) shall apply to a person who is an operator of a cartage vehicle.

Medical Examination

7. Upon demand by the City, a licensee shall promptly have a physical or mental examination by a physician, and procure and furnish or cause to be furnished to the City a written report from the physician, of the results of such examination, or, in the alternative, if so required by the City, shall submit to examination by a physician designated by the City, and in such case at the expense of the City.

PART II

HORSE CARTAGE BUSINESSES

Licence Required

8. No person shall carry on business as a teamster, carter or drayman without a licence under this by-law, entitling him so to do.

Duties

9. Every person carrying on the business of a teamster, carter or drayman shall be responsible that the following requirements are complied with, namely:

(1) That the premises used are fit for the purpose and kept in a clean, dry and safe condition, and in a proper state of repair.

(2) That all harness, vehicles and other equipment are kept fit for their purpose and are kept in a clean and safe condition and in a proper state of repair.

(3) That no article or equipment or business or other activity of any kind which is not normally and customarily incidental to the business of a teamster, carter or drayman is allowed on the premises.

(4) That every animal is healthy, safe and otherwise fit for the purpose, and is at all times kept well-shod, clean and in good condition.

(5) That the attention of a veterinary surgeon is procured without unnecessary delay, for any animal in need of it.

(6) That no animal is given into the charge of any person not competent to keep it under proper control.

10. The licence fees are provided in section 5 of Schedule 45 of this by-law.

SCHEDULE 6

DRIVE-SELF RENTAL VEHICLES

Interpretation

1. In this Schedule,

(a) "drive-self rental vehicle" means a motor vehicle used for hire for the conveyance of persons, which is hired or kept for hire to persons who are to provide their own drivers; and

(b) "drive-self cartage vehicle" means a motor vehicle used for hire for the conveyance of goods or other articles or material, which is hired or kept for hire to persons who are to provide their own drivers.

Application of Schedule

2. The provisions of this Schedule shall not apply with respect to motor vehicles rented only by the month or for periods of more than a month.

Licence Required

3. No person shall, in the City of Hamilton, being the owner of a drive-self rental vehicle or a drive-self cartage vehicle, carry on the business of letting it for hire without a licence under this by-law, entitling him so to do.

Application for Licence

4. Every application with respect to a drive-self rental vehicle or a drive-self cartage vehicle shall be delivered by the applicant to the Licence Administrator.

Licence Certificate

5. On every licence certificate shall be shown the identity of the vehicle for which the licence is granted, and a separate licence certificate shall be required for each vehicle.

Owners' Duties

Insurance

6.(1) Except as provided in Subsection (2), as a pre-condition to the issuing of a licence certificate under this Schedule to the owner or any drive-self rental vehicle or drive-self cartage vehicle, such owner shall deposit with the City by delivering to the Issuer of Licences the written certificate of an insurer duly licensed under The Insurance Act to carry on in Ontario the business of automobile insurance, that it has issued to or for the benefit of such owner in respect of such drive-self rental vehicle or drive-self cartage vehicle, a motor vehicle liability policy which is on the date of the certificate in full force and effect, in an amount of not less than $50,000.00, exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property;

(a) claims arising out of bodily injury or death shall have priority over claims arising out of loss or damage to property to the amount of $40,000.00; and

(b) claims arising out of loss or damage to property shall have priority over claims arising out of bodily injury or death to the amount of $10,000.00,

and such written certificate of the insurer shall certify that it is provided in the policy that the same will not be cancelled or expire except upon ten days' prior written notice thereof to the City, delivered to the Licence Administrator and that until such notice is given the policy and the certificate are valid, and sufficient to cover the term of any renewal or extension of such motor vehicle liability policy by the insurer, and any renewal or extension of the term of such owner's licence by the City.

(2) Notwithstanding Subsection (1), where a person owns five or more motor vehicles to be used for the purpose of the licensed business, a liability insurance policy similar to the liability policy referred to in Subsection (1) may, with the approval of the City, be carried in an amount not less than $300,000.00.

Miscellaneous

(3) Every person carrying on a business for which a licence is required by the provisions of this Schedule shall be responsible,

(a) that the Chief Licence Inspector and the Chief Constable are notified in writing within six days of any change of address;

(b) that no drive-self rental vehicle or drive-self cartage vehicle is used in his business except one the use of which is authorized by a licence issued under this by-law;

(c) that no such drive-self rental vehicle or drive-self cartage vehicle is used for hire when not in safe driving condition; and

(d) that a proper record is kept showing the record of every person to whom a drive-self rental vehicle or drive-self cartage vehicle was let, including the following:

(i) Name and address of such person;

(ii) Description including sex, age, height, weight, colour of eyes and hair, beard or moustache if any, whether bald or not and any other noticeable characteristics;

(iii) Number of driver's or chauffeur's permits;

(iv) Date and time of hiring and for what alleged probable period and destination; and

(v) The signature of such person;

(e) every self-drive cartage vehicle shall have a safety check by the Ministry of Transport at least once each year, and all such records shall be plain and legible, written or typed in the English language, and shall be kept for at least one year, and during that period kept available to inspection by the Chief Constable or Chief Licence Inspector at all times, and all information in said records shall be confidential to the City, the Chief Constable and the Chief Licence Inspector authorized to peruse the same, and shall not be communicated to any other person except as it may be required to be given in evidence.

7. The amount of the licence fee is provided in section 6 of Schedule 45 of this by-law.

SCHEDULE 7

DRIVING SCHOOLS AND INSTRUCTORS

Interpretation

1. In this Schedule,

(a) "driving school" means the business of teaching persons to operate motor vehicles; and

(b) "driving instructor" means a person whose occupation is the teaching of persons to operate motor vehicles;

(c) "driving school operator" means a person licensed to carry on the business of a driving school;

(d) "employ" includes any business relationship between a driving school operator in which;

(i) a driving instructor is hired on a salary, hourly wage or commission or other means of remuneration; or

(ii) a driving instructor acts as an agent of the driving school operator or as an independent contractor or on the basis of any other formal or informal arrangement for the teaching of students from the school.

Licence Required

2.(1) No person shall, in the City of Hamilton, carry on the business of a driving school without a licence under this by-law, entitling him so to do.

(2) No person shall engage in the occupation of a driving instructor in the City of Hamilton without a licence under this by-law, entitling him so to do.

Application for Licence

3. Every application for a licence shall be delivered by the applicant to the Issuer of Licences, and every application for a driving school licence shall include particulars of the applicant's financial responsibility, and shall be accompanied by his public liability and other insurance policies, if any.

Licence Certificate

4.(1) Every driving school operator and every driving instructor shall notify the Chief Licence Inspector in writing of all vehicles used or to be used to teach persons to operate motor vehicles immediately before commencement of use whether or not the motor vehicles are owned by the driving school operator, the driving instructor or any other person.

(2) No driving school operator or driving instructor shall use a motor vehicle and no motor vehicle shall be used for the purpose of teaching persons to operate motor vehicles unless the Chief Licence Inspector has authorized the use in writing.

Duties of Driving Instructor

5. Every driving instructor shall be responsible,

(a) that driving instruction is not given over the same routes that are commonly used for tests for operator's permits; and

(b) that the Chief Constable and Chief Licence Inspector are notified in writing within six days of any change of address.

Duties of Driving School Operator

6.(1) Save as hereinafter otherwise provided, every driving school operator shall be responsible,

(a) that the Chief Licence Inspector and the Chief constable are notified in writing within six days of any change of address of the business;

(b) that the location of his place of business is suitable, and has adequate provision for off-street parking of motor vehicles;

(c) that no person is allowed to act as an instructor unless he or she holds a current and valid license under this by-law as an instructor;

(d) that every other motor vehicle used in teaching persons to operate motor vehicles is in safe driving condition, that it is equipped with extra braking equipment for use by the driving instructor beside the driver, and that it may safely be used for the purposes of the business;

(e) that no motor vehicle is used for the purpose of teaching persons to operate motor vehicles except one the use of which is authorized by a licence under this Schedule.

(f) that no such motor vehicle is used at any time for the purpose of teaching persons to operate motor vehicles, unless it carries at the rear a sign at least ten inches high and twenty inches wide, indicating the nature of the business, in letters clearly readable from the rear, at distances up to at least seventy-five feet; and

(g) that a proper record is kept, of daily reports from each driving instructor employed of all driving lessons given, and kept available for inspection by any member of the police force; said reports to include the name and address of the student driver, the date and time of each lesson, the name of the driving instructor, and the serial number of the driver's permit or temporary instruction permit of each student driver and such records shall be kept for the period of at least one year.

(h) that no motor vehicle is used for instruction without having affixed to the rear of the vehicle a clearly visible licence plate issued by the City of Hamilton and in force during the calendar year during which the motor vehicle is in use;

(i) that no motor vehicle to which is affixed a City of Hamilton licence plate in accordance with clause (h), shall have affixed to it any other licence plate except a plate issued under The Highway Traffic Act;

(j) that no motor vehicle is used by a driving instructor not holding a licence entitling him to engage in the calling of driving instructor.

(2) Notwithstanding the foregoing, it shall be lawful,

(a) for a driving instructor to teach a student driver how to drive in a motor vehicle owned by the student driver or a member of his immediate family, after the student driver has had, in the authorized motor vehicles, instruction sufficient to make such a change safely, and has had in any event, at least three hours instruction in an authorized vehicle; and

(2) No Licence Holder shall park or stop a tow-truck on a highway within 200 metres of,

(a) the scene of a motor vehicle accident or apparent accident; or

(b) a motor vehicle involved in an accident.

(3) Subsections (1) and (2) do not apply to a person who is at the scene of the accident at the request of a police officer, a municipal fire fighter, an officer appointed for carrying out the provisions of the Highway Traffic Act, a person engaged in highway maintenance, or a person involved in the accident.

6. (a) An owner of a tow-truck shall not permit the operation of the tow-truck within the City of Hamilton by a driver who does not have a valid and current licence issued under this Schedule.

(b) A tow-truck owner shall supply the City of Hamilton Licence Division with a current written list of all tow-truck drivers' names, addresses and telephone numbers, within seven days of obtaining a tow-truck owner's licence, and shall also supply the City with any further additions or deletions to such list.

7. While operating a tow-truck, the driver shall carry the photo identification and licence supplied by the City and shall produce such documentation on demand, to a police officer or other persons authorized to enforce by-laws of the City.

8.(1) No licensed tow-truck owner shall drive or operate any tow-truck, or permit to be driven or operated any tow-truck, without first ensuring the tow-truck has:

(a) the licence plate issued by the City, affixed on the outside of the tow-truck and facing the rear, prominently displaying the identifying licence number, in such a manner that the number is visible from behind the truck and without obscuring the provincial licence plate;

(b) the name of the owner, or a registered trade name, painted on the outside of each door in letters at least 5 centimetres in height, in a colour contrasting to that of the doors, so that the name is prominently displayed;

(c) the address and telephone number of the owner, painted on the outside of each side of the body or door, in letters of at least 4 centimetres in height, in a colour contrasting to that of the body or door, so that the address and telephone number are prominently displayed; and

(d) the municipal licence number, painted on the side of the tow-truck on the outside of each front quarter panel, in letters at least 12 centimetres in height in a colour contrasting to that of the quarter panel, so that the number is prominently displayed.

(2) A tow-truck owner, prior to driving or operating, or permitting the driving or operation of the tow-truck, shall outfit the tow-truck with the following equipment in working order, which shall be considered a minimum standard for the purposes of safe operating condition:

(a) one 5 pound capacity, multi purpose A,B,C rated portable fire extinguisher, listed by Underwriters Laboratories of Canada, capable of functioning at -40 degrees celsius, mounted in the cab or under protective covering, and maintained in accordance with manufacturers specifications;

(b) a flashlight, broom, shovel and heavy duty pry bar;

(c) a reflective safety vest for the driver and any assistant;

(d) a device for securing the steering wheel of a motor vehicle to be towed;

(e) two safety chains, each comprised of links of at least 5/16 of an inch of steel;

(f) road flares in sufficient quantity for thirty minutes of use;

(g) a light bar capable of being used on a towed vehicle if necessary;

(h) a revolving light visible from the front and rear of the tow-truck; and

(i) a lift, winch, dolly, trailer or like equipment for the towing, carrying, or lifting of motor vehicles, with the manufacturers or other tested ratings for weight capacity posted near the operators controls, and sufficient equipment to secure the towed vehicle to the tow-truck, trailer and dolly, and where the tow-truck is equipped with more than one device for towing, carrying or lifting motor vehicles all such equipment shall comply with the requirements of this paragraph.

(3) A tow-truck owner shall maintain, and by regular inspection ensure, that the tow-truck is kept in safe operating condition and in compliance with the applicable standards imposed by the Highway Traffic Act, failing which the tow-truck shall be removed from service.

(4) A tow-truck owner or driver shall comply with the request of a police officer or licence inspector to produce the tow-truck and allow it to be examined for the purposes of compliance with the requirements of subsections (1) and (2).

(5) A tow-truck owner or driver shall comply with the request of a police officer or licence inspector to take the tow-truck to a Ministry of Transportation vehicle inspecting facility, or to an Ministry of Transportation authorized inspector, and return with a current Safety Standards Certificate or any deficiency report obtained, for the purpose of ensuring compliance with the applicable requirements of subsections (1), (2) and (3).

9. The licence fees are provided in section 10 of Schedule 45 of this by-law.

SCHEDULE 8

EATING ESTABLISHMENTS

Interpretation

1. In this Schedule,

(a) "eating establishment" means an eating establishment for which a licence may be required by by-law pursuant to the provisions of The Municipal Act, and includes,

(i) "restaurant", which means an eating establishment where food is prepared on the premises and which has seating accommodation for more than fifteen persons;

(ii) "lunch counter", which means an eating establishment which has seating accommodation for not more than fifteen persons;

(iii) "refreshment stand", which means an eating establishment where only food already prepared for immediate consumption by the public without cooking, is served; and

(iv) "drive-in restaurant", which means any eating establishment where carry-out service to patrons in motor vehicles is provided.

Licence Required

2. No person shall, in the City of Hamilton, carry on any business of an eating establishment, without a licence under this by-law, entitling him so to do.

Provided that the keeper of a hotel within the meaning of the provisions of The Municipal Act in that behalf shall not be required to hold an eating establishment licence.

Duties Of Operator

3. Every person carrying on the business of an eating establishment shall be responsible,

(a) Condition of Premises. That the premises are kept clean and orderly and maintained in all respects reasonably suitable for the purpose for which they are used, and kept suitably lighted and ventilated;

(b) (Repealed).

(c) Dancing Prohibited. That no dancing or entertainment is allowed in any part of the premises unless the premises or part is licensed under this by-law for use as a public hall.

4. The licence fees are provided in section 8 of Schedule 45 of this by-law.

SCHEDULE 9

FOOD SHOPS

Interpretation

1. In this Schedule,

(a) "food shop" means a place where food stuffs, intended for human consumption are made for sale, offered for sale, stored or sold.

Licence Required

2.(1) Except as provided in Subsection (2), no person shall, in the City of Hamilton, carry on the business of a food shop, without a licence under this by-law, entitling him so to do.

(2) A person who holds a current and valid licence under Schedule 3 (Retail Butchers and Fishmongers), Schedule 8 (Eating Establishment), or Schedule 16 (Refreshment Vehicle) in respect of a shop, establishment or vehicle shall not be required to obtain a food shop licence in respect of the shop, establishment or vehicle already licensed.

3. The amount of the licence fee is provided in section 9 of Schedule 45 of this by-law.

SCHEDULE 10

TOW-TRUCKS

Definitions

1. For the purposes of this Schedule, the following definitions apply:

(a) "highway" means a highway as defined in the Municipal Act, but does not include a King's Highway as defined in the Highway Traffic Act, or a road, street, bridge or highway laid out but not assumed for public use or established by by-law, whether built by a private person or body corporate.

(b) "Highway Traffic Act" shall be deemed to be a reference to the Highway Traffic Act, R.S.O. 1980, c. 198.

(c) "Licence Holder" means a person licensed under this Schedule as an owner or driver of a tow-truck.

(d) "motor vehicle" means motor vehicle as defined in the Highway Traffic Act.

(e) "owner" of a tow-truck includes a purchaser or person entitled to operate, possess, or use the tow-truck, under a lease or conditional purchase agreement.

(f) "tow-truck" means a motor vehicle, which is designed, modified, or used, for the towing, carrying, or lifting of disabled or inoperative motor vehicles, with or without the assistance or use of lifts, winches, dollies, trailers or like equipment, and operated as such for a fee.

(g) "towing service" shall mean the provision or use of a tow-truck, the assistance of the driver, and the use of the equipment carried or available for use in conjunction with the tow-truck for the pulling, carrying or lifting of a motor vehicle, at a place located within the City of Hamilton.

Licence

2. (1) Subject to (3), every owner or driver of a tow-truck, using the tow-truck to provide towing services at the scenes of accidents, shall obtain, and maintain in good standing, a licence from the Corporation of the City of Hamilton, authorizing the carrying on or engaging in the business or occupation of offering or providing such towing services.

(2) Subject to (3), no person shall carry on, or engage in, the business or occupation of towing motor vehicles from the scenes of accidents as a tow-truck owner or driver in the City of Hamilton, without first having obtained a licence under this Schedule.

(3) For the purposes of (1) and (2) the towing of motor vehicles from accidents located outside the boundaries of the City of Hamilton, is deemed not to be a business or occupation which requires a licence under this Schedule.

3. (1) In addition to the application, an applicant for a tow-truck owner's licence, upon first application or renewal, shall provide:

(a) proof of a valid provincial drivers' licence, along with the licence number, authorizing the applicant to operate the tow-truck to be licensed, unless the owner indicates on the application that he will not personally drive the tow-truck;

(b) proof that the tow-truck is registered and licensed with the Ministry of Transportation, along with the vehicle identification number and licence number;

(c) proof that the tow-truck is insured for operation on public roadways, the name of the insurance company, policy number and date of expiry, the insurance supplying a minimum coverage of $1,000,000.00 for third party liability, which insurance also fully compensates for loss or damage to towed motor vehicles;

(d) a current Safety Standards Certificate for the vehicle to be licensed, issued under the Highway Traffic Act; and

(e) the address of any storage yard operated by the owner, and the address of the owner's office from which the business is operated, if different from the address of the storage yard.

(2) An owner who has indicated he will be a driver of the tow-truck and who has otherwise complied with the requirements of being licensed as a driver, may be issued a tow-truck driver's licence in addition to the owner's licence without being required to pay the fee for such driver's licence.

(3) A tow-truck owner licensed under this section, shall hold such licence and rights thereunder subject to the requirement that all insurance and required provincial licences are not suspended, cancelled or otherwise revoked, and shall return the licence to the City immediately upon any such suspension, cancellation or revocation.

(4) A tow-truck owner's or driver's licence given to the City under subsection (3), shall be returned to the owner, upon the owner supplying the City with proof of reinstatement of the insurance or provincial licences, along with the particulars thereof required by subsection (1).

4.(1) In addition to the application, an applicant for a tow-truck driver's licence shall provide:

(a) where available, the full name and address of his employer;

(b) where available, the name of the owner and municipal licence number, respecting the tow-truck to be driven;

(c) proof of a valid provincial driver's licence, along with the licence number; and

(d) three recently taken passport sized photos with a head and shoulders view, clearly showing the applicant's face.

(2) A tow-truck driver licensed under this section, shall hold the licence and rights thereunder subject to the requirement that the provincial driver's licence is not suspended, cancelled or otherwise revoked, and shall return the tow-truck driver's licence to the City immediately upon any such suspension, cancellation or revocation.

(3) A tow-truck driver's licence given to the City under subsection (2), shall be returned to the driver, upon the driver supplying the City with proof of reinstatement of the provincial licence, along with the particulars thereof required by subsection (1).

Regulation

5.(1) No person shall solicit the hiring of a tow-truck or offer towing services, while that person is within 200 metres of,

(a) the scene of a motor vehicle accident or apparent accident; or

(b) a motor vehicle involved in an accident,

on a highway.

(b) obvious signs of nutritional deficiencies including rickets and emaciation;

(c) obvious signs of severe parasitism sufficient to influence the general health of the animal;

(d) obvious fractures or congenital deformities affecting the general health of the animal.

30. Provide for the examination and treatment of each animal in a separate quarantine area within 24 hours of the onset of the sickness or disease referred to in paragraph 28 or the obvious signs referred to in paragraph 29, by a veterinarian or qualified person experienced in the care and treatment of the species concerned.

31. Sell or offer for sale only animals that are not exotic animals or wild animals, except exotic animals that have been imported under existing legislation and which have met the provisions of the Health of Animal Division of the Department of Agriculture.

32. Keep a register in the English language, written in ink in plain legible handwriting, containing the following information, entered into the register at the time an animal comes into the possession of the pet shop keeper;

1. Name and address of supplier or other person from whom the animal is purchased or otherwise obtained.

2. Date of purchase and sale of the animal or other acquisition.

3. A full description of,

(a) each dog and cat;

(b) each shipment or supply of animals other than dogs and cats.

33. Retain the register in good condition for a period of 12 months after each transaction.

34. Not mutilate or destroy the register.

35. Give to each person who purchases a dog or cat,

(a) a receipt containing the following information,

1. name and address of the vendor and purchaser;
2. date of sale;
3. sale price;
4. breed or crossbreed;
5. sex, age and description, including colour and placing of markings, if any;

(b) a valid certificate of health from a Veterinarian;

(c) a licence application.

36. Notify the Society, in writing, not later than the 10th day of each month, of the number of dogs and cats sold in the preceding month.

6. The licence fee is provided in section 23 of Schedule 45 of this by-law.

SCHEDULE 13

PEDLARS

Interpretation

1. In this Schedule,

(a) "pedlar" means a person who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards.

Licence Required

2. No person shall carry on business as a pedlar without a licence under this by-law, entitling him so to do.

Licence Plate

3. Every pedlar while using a vehicle in his business shall keep affixed thereto, on the right-hand side thereof in such a manner as always to be readily visible from that side, the current licence plate for said vehicle, and no other licence plate on that side.

Miscellaneous Requirements

4. No pedlar shall,

(a) hold any show or entertainment in any street or public place;

(b) place or maintain any stand, stall or booth in any street or other public place;

(c) use in his business any horse or other animal not in sound condition and well-cared for; or

(d) being the holder of a pedlar's licence, allow any other person to use his licence certificate.

5. The licence fees are provided in section 13 of Schedule 45 of this by-law.

SCHEDULE 15

PUBLIC HALLS AND PLACES OF AMUSEMENT

Licence Required

1.(a) "amusement machine" means a machine, device or contrivance activated by mechanical or other action or any other means by the user thereof with a view to achieving a desirable result through skill or chance or a combination of both, in terms of points, score, measurement of any other characteristic of the machine, device or contrivance but does not include a pinball machine;

(b) "amusement machine parlour" means a premises or place on a premises where four or more amusement machines are kept for the amusement of the users thereof;

(ba) "billiard parlour" means a premises or place on a premises on which there is one or more billiard tables or pool tables for hire or gain;

(c) "bingo parlour" means a premises or place on a premises used as a public hall for the assembly of persons playing bingo;

(d) "pinball machine" means a machine in which a ball, object, thing, or image, or symbol or sign becomes mobile or otherwise active or visible upon being activated or called into existence or use by mechanical or other action or any other means so as to mechanically or otherwise project the ball, object, thing, or image, or symbol or sign through skill or part skill and part chance of the user thereof, upon or under a surface, or on a screen or other viewing surface within a full or part enclosure or not within an enclosure, with a view to achieving a desirable result in terms of points, score, measurement or any other characteristic of the machine, device or contrivance;

(e) "pinball machine parlour" means a premises or place on a premises where four or more pinball machines are kept for the amusement of the users thereof;

(f) "place of amusement" includes a bingo parlour, pinball parlour, amusement machine parlour and all other places of amusement;

(g) "proprietary club" means all clubs other than those in which the use of any billiard, pool or bagatelle table is only incidental to the main objects of the club;

(h) "public hall" means a building, including a portable building or tent that is offered for use or used as a place of public assembly but does not include;

(i) a theatre within the meaning of The Theatres Act; or

(ii) a building, except a tent used solely for religious purposes.

la. No person shall for profit or gain and no proprietary club shall, directly or indirectly keep;

(a) or have in his or its possession or on his or its premises any billiard, pool or bagatelle table;

(b) or have any billiard, pool or bagatelle table whether used or not, in a house or place of public entertainment or resort;

without separate licences entitling him or it to do so.

1b.(1) Except as provided in section 1d, no person shall carry on or operate;

(a) an exhibition held for hire or gain; or

(b) a theatre; or

(c) a music hall; or

(d) a bowling alley; or

(e) a moving picture show; or

(f) a public hall; or

(g) any place of amusement,

without a separate licence entitling him to do so for each of the trades, callings, businesses or occupations mentioned in clauses (a), (b), (c), (d), (e) and (f), and as mentioned in clause (g) in accordance with subsection (2).

(2) Every person who operates a place of amusement shall take out a separate licence for each of the following trades, callings, businesses or occupations:

1. A bingo parlour.

2. A pinball parlour.

3. An amusement machine parlour.

4. Any other place of amusement.

1c.(1) No person shall carry on or operate:

(a) an exhibition of waxworks; or

(b) a menagerie; or

(c) circus-riding; or

(d) any other like shows usually exhibited by showmen including a carnival;

without a separate licence entitling him to do so for each of the separate trades, callings, businesses or occupations mentioned in clauses (a), (b) and (c) and for each like show usually exhibited by showmen and for a carnival as mentioned in clause (d).

(2) No person shall carry on or operate a roller skating rink or other places of like amusement without a separate licence entitling him to do so for:

(a) a roller skating rink;

(b) each other place of like amusement.

(3) Except as provided in section 1d, no person shall carry on or operate:

(a) a merry-go-round; or

(b) a switchback railway; or

(c) a carousel; or

(d) any other like contrivances;

without a separate licence entitling him to do so for each of the separate trades, callings, businesses or occupations in respect of the contrivances mentioned in clauses (a), (b) and (c) and in respect of any like contrivance referred to in clause (d).

1d. No licence shall be required for any exhibition or travelling show or any other show or performance held in a licensed theatre or public hall.

2. Every application for a licence for any public hall or place of amusement shall include particulars of the financial responsibility of the applicant.

Licence Certificate

3. On every licence certificate for a public hall or other place of public assembly shall be shown the maximum number of persons who may be lawfully accommodated in each room or part to be used for public assembly.

General Requirements

4. Every person carrying on or operating any exhibition, show, public hall, place of amusement or amusement contrivance for which a licence is required under this Schedule shall be responsible that the following requirements are observed, namely;

(a) Advertising. There shall not be published, displayed or distributed any advertising matter which is vulgar or indecent;

(b) Condition of Premises. The premises shall be kept clean and orderly and maintained in all respects reasonably suitable for the purpose for which they are used, and, in particular, while open for business and for the period of at least one-half hour before and after, the same shall be kept suitably lighted and ventilated, adequate sanitary facilities shall be available, and no snow or ice shall be allowed to accumulate on any fire escape or other means of egress in such manner or to such an extent as to create any unnecessary danger;

(c) Hours. Save as hereinafter otherwise provided or as otherwise specifically authorized by law or as provided by by-law of the City Council under The Lord's Day (Ontario) Act, the premises shall be closed at 11:45 o'clock in the afternoon on Saturday and remain closed until eight o'clock in the forenoon of the following Monday, and shall be closed and remain closed on all other days from twelve o'clock midnight until eight o'clock in the forenoon of the following day;

(d) Conduct on Premises. There shall not be allowed in or about the premises any disorderly or unseemly conduct;

(e) Obstructing Highway. All necessary measures shall be taken to prevent any obstruction of the highway by patrons; and

(f) Fire or Panic. In case of fire, panic or other emergency or untoward incident, the police and fire departments shall be notified promptly, and there shall be taken such other precautionary or protective measures as may be reasonably needful under the circumstances.

4a. Every person to whom this Schedule applies shall take out a separate licence for the carrying on or operation of each exhibition, show, public hall, place of amusement or contrivance mentioned in clauses (a), (b), (c), (d), (e) and (f) of subsection 1(3).

Special Regulations

5. (1) Bowling Alleys. Notwithstanding the provisions of section 4 of this Schedule respecting hours, the business hours of a bowling alley on Monday, Tuesday, Wednesday, Thursday and Friday may be extended until one o'clock in the morning of the following day, but the keeper shall be responsible,

(a) that no person under the age of fourteen years shall be allowed to be on the premises after nine o'clock in the afternoon or before eight o'clock in the forenoon of any day unless accompanied by one of his parents or a responsible adult.

(2) Public Halls. Every keeper of a public hall shall be responsible that the following requirements are observed, namely:

(a) Undesirable Activities. No indecent or disorderly performance or other such undesirable activity shall be allowed;

(b) Dances. When dancing is held in a public hall, other than a bona fide private dance held by a private person or a bona fide religious, charitable, patriotic or fraternal organization,

(i) (Repealed);

(ii) (Repealed);

(iii) Notwithstanding the provisions of section 4 of this Schedule respecting hours, the premises shall be closed at 11:45 o'clock in the afternoon on Saturday and remain closed until one o'clock in the afternoon of the following Monday, and during the remainder of the week the premises shall be closed at one o'clock in the forenoon and shall remain closed until one o'clock in the afternoon of the same day.

Provided that nothing herein shall be deemed to prohibit the continuance of any dance on New Year's Eve, until three o'clock of the following morning.

(3) Rebound Tumbling Establishments. Every operator of a rebound tumbling establishment shall be responsible that the following requirements are observed, namely:

(a) The premises and equipment shall in all respects be suitable for the purpose and so maintained, and without limiting the generality of the foregoing there shall at all times be readily available a telephone and a suitable first-aid kit;

(b) At all times when the establishment is in use there shall be at least one trained and competent supervisor in attendance for each twelve tumbling units or fractional part thereof, and all necessary measures shall be taken to prevent obstruction of the highways;

(c) All injuries or mishaps shall as soon as possible be reported to the medical officer of health and the Chief Licence Inspector, and proper records of the same kept; and

(d) No equipment shall be allowed to be used by any person under the influence of alcohol, or who is otherwise not in fit condition, or by any child under eight years of age unless in the immediate company of his parent or of some other competent and responsible person.

(3a) Bingo Parlours. Notwithstanding clause 5(2)(b)(iii), no person shall carry on or operate a bingo parlour except between the hours of 8:00 in the forenoon and 1:00 in the forenoon of the following day.

(4) The premises of a moving picture theatre shall not be required to close at twelve o'clock midnight preceding a statutory holiday or a holiday fixed by proclamation and when such holiday, except Remembrance Day, falls on a Sunday, the premises shall not be required to close at twelve o'clock midnight on the Monday following the holiday;

(4a) where subsection (4) applies, the premises of the moving picture theatre shall close after any complete presentation of a moving picture show after midnight but, in any event, not later than 3:00 in the forenoon of the next day following the preceding midnight.

(4b) The premises of a moving picture show shall be closed not later than twelve o'clock midnight on Saturday and remain closed until eight o'clock in the forenoon of the following Monday, and shall be closed and remain closed on all other days from one o'clock in the forenoon until eight o'clock in the forenoon of the same day.

5a. The premises of the following places of amusement or entertainment shall be closed and remain closed on all other days except Saturday, as follows:

1. Theatres, other than moving picture theatres or shows, from one o'clock in the forenoon until eight o'clock in the forenoon of the same day.

2. Roller Rinks, from one o'clock in the forenoon until six o'clock in the forenoon of the same day.

3. Arenas, from one o'clock in the forenoon until six o'clock in the forenoon of the same day.

4. Billiard Parlours, from three o'clock in the forenoon until eight o'clock in the forenoon of the same day, except that any pinball machine and amusement machine on the premises shall be closed and remain closed from twelve o'clock midnight until eight o'clock in the forenoon of the following day.

5b. No person to whom a licence has been issued to carry on or engage in the business of a billiard parlour shall permit or cause to be permitted any person less than 14 years of age to be within the billiard parlour after nine o'clock in the afternoon and before eight o'clock in the forenoon of the following day.

6. The licence fees are provided in section 15 of Schedule 45 of this by-law.

SCHEDULE 16

REFRESHMENT VEHICLES

1. In this Schedule,

(a) "refreshment vehicle" means a motor vehicle or other vehicle from which refreshments are sold for consumption by the public, and includes,

(i) "lunch vehicle", which means a vehicle from which food is sold, other than ice cream, frozen desserts and other frozen confections; and

(ii) "ice cream vehicle", which means a vehicle from which is sold ice cream, frozen desserts or other frozen confections.

Licence Required

2. No person shall in the City of Hamilton carry on the business of selling for consumption by the public, refreshments from a vehicle, without a licence entitling him so to do.

3. Every application for a licence shall show which class of licence is applied for, the type of motor vehicle or other vehicle proposed to be used, and particulars of the applicant's financial responsibility.

4. On every owner's licence certificate shall be shown the identity of the one motor vehicle or other vehicle for which the licence is granted and a separate licence shall be required for each vehicle.

Lunch Vehicle and Equipment

5. Every person carrying on business with a lunch vehicle shall be responsible,

(a) that it is of a suitable commercial type, with the food compartment wholly enclosed and self-contained; and

(b) that it is equipped with a suitable refuse container.

Ice Cream Vehicle

6. Every person carrying on business with an ice cream vehicle shall be responsible,

(a) that it is of a suitable commercial type, and equipped with a suitable compartment suitably refrigerated, for all ice cream and other frozen food carried;

(b) that there is conspicuously displayed on the rear the warning "WATCH FOR CHILDREN", in readily legible black letters at least six inches high, on a yellow background;

(c) that it is equipped with two or more amber lights on top, so placed as to be readily visible by a person five feet in height standing four feet in front of or behind the vehicle, and equipped with a device to keep the lights flashing while the vehicle is stopped for the sale of food; and

(d) that every rear bumper shall have such a cover on such an angle as to prevent a child from standing or sitting on it.

Owner's Duties

7. Every person carrying on a business for which a licence is required under this Schedule shall be responsible,

(a) that the Chief Licence Inspector and the Chief Constable are notified in writing within six days of any change of address of the licensee or business;

(b) that no vehicle or motor vehicle is used in his business except one the use of which is authorized by a licence issued under this by-law;

(c) that no such vehicle or motor vehicle is used when not in safe driving condition, and that it is inspected by the police at least once in each calendar year;

(d) that no such vehicle or motor vehicle is used for business without having affixed to the right hand side thereof, in a position in which it may most readily be seen, the City's current licence plate, and having no other licence number showing except the current provincial licence number or numbers; and

(e) that no such motor vehicle is driven by any person not currently holding a chauffeur's licence, and that every such vehicle and motor vehicle while being used in the business is under the charge of a person at least 16 years of age and competent and otherwise suitable for the purpose.

Drivers' Duties

8. Every driver of a refreshment vehicle shall be responsible for the observance of the following rules:

(a) He shall report at once to the Chief Licence Inspector and to the Chief Constable when the vehicle is not in safe driving condition, and shall refrain from driving it again until it is safe to do so;

(b) He Shall not cry his wares or sound any chimes or other audible means of recognition while the vehicle is in motion, or for more than five seconds at intervals of not less than five minutes, or in any residential area after eight o'clock in the evening or before eight in the morning;

(c) He shall not stop for the sale of any products,

(i) within 5 feet of an intersection;

(ii) within 100 yards of any eating establishment, school ground, recreation ground, playground or public park; or

(iii) for more than ten minutes at any one location on a residential street; or

(iv) without being properly parked;

(d) He shall not serve any customer who is standing in the roadway;

(e) Immediately before putting his vehicle in motion after having been stationary for the sale of products, he shall make a complete safety tour around the vehicle;

(f) He shall not unnecessarily do any washing or repairing of a vehicle in a street, alley or other public place;

(g) At all times while his vehicle is stopped for the sale of food, he shall be responsible that the lights required by section 6 are kept flashing; and

(h) He shall report at once to the Chief Licence Inspector every accident or other mishap which has occurred with respect to the vehicle, or otherwise in connection with the carrying on of the business.

Prohibition

9.(1) Except as provided in subsection (2), no person shall sell fruit, candy, peanuts, ice cream or ice cream cones from a basket or wagon, cart or other vehicle, upon the roadway of any street, or upon any part of the street allowance of any street other than a residential street.

(2) Nothing in this Section applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

10. The licence fees are provided for in section 16 of Schedule 45 of this by-law.

SCHEDULE 17

SALVAGE AND SECOND-HAND GOODS BUSINESSES

Application of Schedule

1.(1) The provisions of this Schedule shall not be deemed,

(a) to apply to the business of buying and selling articles commonly recognized as valuable antiques or works of art; or

(b) to require the reporting of the purchase or sale of waste paper, rags, bones or bottles, or of used tires, or of ferrous metal scrap which is obviously scrap, or to require the retention of any such goods for any specified period; but the exception provided in this clause does not extend to any motor vehicle or part thereof.

(1a) For the purpose of this Schedule a salvage yard includes an automobile wrecking yard or premises.

(2) The provisions of subsection 2(1) do not apply to any person engaged in the business for patriotic or charitable purposes.

(3) The provisions of section 4, clauses 6(a) and 6(d), and clause 7(a) do not apply to a person who deals in second-hand goods, only to the extent of receiving traded-in articles the value of which is applied on account of the purchase price of new goods of a like kind being sold by him in the usual course of his business to the owner of such second-hand goods.

Licence Required

2.(1) No person shall carry on or engage in the business of a salvage shop, salvage yard, second-hand goods shop or dealer in second-hand goods without a licence under this by-law entitling him so to do.

(2) Every person required to obtain a licence shall obtain a separate licence with respect to each and every shop, store, yard or other premises used for the transaction of business or for receiving, keeping or storing salvage or second-hand goods.

Classes of Licence

3.(1) Any licence required under this Schedule may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified, and no person shall deal in any class of second-hand goods not covered by his licence.

(2) Second-hand motors, cash registers, typewriters and adding or other business machines shall constitute a separate class.

Record Book and Reports

4.(1) Every person carrying on or engaging in the business of a salvage shop, salvage yard, second-hand goods shop or dealer in second-hand goods shall, without delay, at the time when any salvage or second-hand goods are purchased, taken in exchange, received on consignment or otherwise received or acquired in any manner whatsoever, enter in the Record Book in ink or indelible pencil and in a plain and easily readable hand and in the English language, a record of all such salvage and second-hand goods (except waste paper, rags, bones and bottles, and used motor vehicle or bicycle tires, and ferrous metal scrap which is obviously scrap), the date and time, the price or other consideration given, and the name and address of the person from whom they were so purchased, taken in exchange or otherwise obtained, together with the current licence number of the motor vehicle, if any,

in which such salvage or second-hand goods were brought; and, in the case of tools purchased or otherwise obtained, the record shall include a proper description of the same, including the name of the manufacturer, and the identifying number or initials, if any.

(2) Every person carrying on or engaging in any of the said businesses shall deliver at the office of the Chief Constable before two o'clock in the afternoon daily, except on Sundays and public holidays, a true copy of the entries in the Record Book relating to all such transactions which have taken place since the transaction last so reported; and whenever there is reason to suspect that any goods or articles may have been stolen, all readily ascertainable particulars of the same and of the person offering the same shall be included in the said report.

(3) Goods redeemed on pawn tickets shall be treated as purchased and so entered, by every person engaging in any such business; and in entering bicycles the name of the maker and the serial number shall be recorded; and in the case of a used motor vehicle or wrecked motor vehicle purchased, taken in exchange or otherwise obtained, there shall be entered in the Record Book the name of the maker, all serial numbers and the current or previous year's motor vehicle licence number, if any.

(4) The said Record Book shall be and remain the property of the City and shall be returned to the City by the licensee at any time on demand, and in any event immediately before the expiry of the licence, whether by revocation or otherwise; and the licensee shall take all necessary precautions to guard against its loss, destruction or mutilation.

(5) When any Record Book is delivered to the City at any time during currency of the licence, the secretary shall supply to the licensee another Record Book which shall be kept and used in the same manner by the licensee at all times while he is without the former Book.

(6) All information in said Record Books and Reports shall be confidential to the City, the Chief Constable and those members of the police force authorized to peruse the same and shall not be communicated to any other person except as it may be required to be given in evidence.

Purchasing from Minors

5. No keeper of a second-hand goods shop or salvage store or shop shall directly or indirectly purchase from, exchange with or receive in pledge from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any metals, goods or articles.

Miscellaneous Regulations

Second-Hand Goods Shops, and Salvage Shops and Yards

6. Every keeper of a second-hand goods shop or of a salvage shop or salvage yard shall be responsible,

(a) Period of Retention of Goods. That all salvage and second-hand goods purchased, taken in exchange or otherwise obtained, including goods obtained from a dealer in second-hand goods, shall be retained in unchanged condition and exposed to public view in his shop or yard in the City of Hamilton for a period of at least fourteen days thereafter, exclusive of Sundays and public holidays, and that the same shall be kept clearly separated in location during the whole of such period, from all goods previously purchased, and that none of the same shall be sold or otherwise disposed of until after the expiration of the said period;

(b) Place of Storage, etc. That no salvage or second-hand goods are stored or kept any where but at the shop or yard in the City of Hamilton either within a building or within a properly fenced enclosure, that no waste paper or any material likely to blow about the streets is allowed to be deposited or remain where it can do so, and that the whole premises and all salvage and goods therein are kept clean and orderly;

(c) Soliciting on Highway. That there is no soliciting of business from any person that is on a public highway; and

(d) Hours of Business. That no salvage or second-hand goods are purchased, taken in exchange or otherwise obtained on a public holiday, or after eleven o'clock in the afternoon of any day, or before seven o'clock in the morning of any day; and that except during full daylight, there is no collecting or attempted collecting of any goods or salvage, or any passing from house to house along any public or private way, for any such purpose.

Miscellaneous Regulations

Dealers in Second-Hand Goods

7. Every dealer in second-hand goods who does not hold a licence for a second-hand goods shop or a salvage shop or salvage yard shall be responsible,

(a) Hours of Business. That no salvage or second-hand goods are purchased, taken in exchange or otherwise obtained on a public holiday, or after eleven o'clock in the afternoon of any day, or before seven o'clock in the morning of any day; and that except during full daylight, there is no collecting or attempted collecting of any goods or salvage, or any passing from house to house along any public or private way, for any such purpose;

(b) Retention or Inspection of Goods. That within seven days after the acquisition of any salvage or second-hand goods, either there is delivered to the Chief Constable in writing a list of the same, and such salvage and second-hand goods made available to the police for inspection, or that they are disposed of to the licensee of a second-hand goods shop or of a salvage shop or salvage yard in the City of Hamilton.

8. The licence fees are provided in section 17 of Schedule 45 of this by-law.

SCHEDULE 19

SIGN POSTERS AND BILL DISTRIBUTORS, ETC.

Licence Required

1. No person shall carry on or engage in any of the following businesses or occupations:

(a) bill poster;

(b) advertising sign painter;

(c) bulletin board painter;

(d) sign poster; or

(e) bill distributor,

without a licence under this by-law entitling him so to do.

Miscellaneous Prohibitions

2.(1) No person shall post up or distribute any poster, picture or handbill that is indecent or that tends to corrupt morals.

(2) No person required by the provisions of this Schedule to be licensed shall distribute any poster, picture, handbill, printed matter or other paper whether printed or not,

(a) by handing the same to any person in any highway or other public place; or

(b) by depositing the same in or on any motor vehicle; or

(c) by depositing the same on any lawn, verandah or other such place; or

(d) by depositing the same into any street, alley, park or other public place,

and every such person shall be responsible for any such act of his servant or agent.

3. The licence fees are provided in Schedule 45 of this by-law.

SCHEDULE 20

RETAIL STORES SELLING TOBACCO, CIGARS OR CIGARETTES

1.(1) Subject to subsection (3), the keeper of any store where tobacco, cigars or cigarettes are offered for sale by retail shall obtain and maintain in good standing a licence from the City under this schedule, authorizing the sale from the store of tobacco, cigars or cigarettes by retail.

(2) No person shall sell tobacco, cigars or cigarettes by retail from any store, unless a license has first been obtained for that store under subsection (1).

(3) Pursuant to the Municipal Act, R.S.O. 1990, c. M.45, section 216, the keeper of a hotel, within the meaning of that section, is exempt from this schedule.

(4) Where a person being the owner and operator of a store, is the holder of a licence under this schedule as the keeper of such store, no employee of the store need obtain a separate licence.

(5) The Licence Administrator may combine as one document the licence certificate and Form 1, to be posted as a sign in accordance with this schedule.

2. For the purposes of this schedule, the following definitions apply:

(a) "keeper" shall mean a person responsible for the care and management of a store selling tobacco, cigars or cigarettes, and shall include the owner and operator of the store;

(b) "licence holder" shall mean the keeper of a store who holds a current and valid licence under this schedule; and

(c) "store" shall include any building, booth, or stall, or a portion thereof where goods are exposed for sale, and shall include a shop.

Regulations

3.(1) A licence holder under this schedule shall:

(a) display in the store at all times a sign, as shown in Form 1 set out in Appendix "A" hereto annexed which appendix is included in and forms a part of this schedule, on or immediately next to each till or cash register where customers may purchase or pay for any tobacco, cigars or cigarettes;

(b) display the sign required in paragraph (a), so that the contents are in plain view to customers approaching the till or cash register, and containing only the prescribed message, in English, and written in black characters on a white background;

(c) require employees of the store to read the sign required in paragraph (a), prior to commencing work involving the sale of tobacco, cigars or cigarettes, and instruct employees to bring any removal or defacement of the required signs to the immediate attention of the licence holder;

(d) replace with a new sign as required in paragraph (a), any sign which has been removed or destroyed, or where the prescribed message or part thereof has been defaced; and

(e) use for the required signs the sign available from the City, or substitute a sign of equal or greater overall size and letter size and complying in all other respects with requirements of this schedule.

(2) Where any tobacco, cigars or cigarettes are dispensed from a vending machine in the store, the licence holder shall:

(a) display a sign, in the form and content required in paragraphs (1)(a) and (1)(b), on top of or on the front of each machine so that the content is in plain view to customers operating the machine, and the licence holder shall otherwise comply with the requirements of subsection (1); and

(b) locate each machine within the view of the licence holder or employee thereof, while at a till or cash register in the store, so that persons using the vending machine are in plain view and so the licence holder or employee of the store can verify the placement and existence of the signs required in paragraph (a).

(3) Nothing in this schedule shall prevent a licence holder or an employee of the store from refusing service to anyone seeking to purchase tobacco, cigars or cigarettes, or from posting a sign to that effect, in addition to the signs required by subsections (1) and (2).

(4) In addition to the signs required by subsections (1) and (2), the licence holder may display like signs in any language suitable for customers.

4.(1) A licence holder under this schedule shall provide in the store for the use of customers;

(a) at least one container for the disposal of refuse, and,

(b) where smoking is not prohibited in the store, at least one ashtray.

(2) The licence holder shall empty the containers required in subsection (1), and any other garbage or ash containers provided for customers, to eliminate overflow of the contents, and shall remove any spillage from the containers.

5. Nothing in this schedule shall operate to prevent a licence holder or an employee of the store, from complying with applicable laws or a court order respecting the removal or control of vending machines made under the Tobacco Restraint Act, R.S.C. 1985, Chapter T-12, as amended, and to the extent of any conflict with the applicable law or such court order the provisions of this schedule are deemed not to apply

6. The licence fee is provided in section 20 of Schedule 45 of this by-law.

SCHEDULE 21

TOURIST CAMPS, TRAILER CAMPS, AND MOTELS

PART I

Licence Required

1. No person shall operate a tourist camp, trailer camp or motel without a licence under this by-law, entitling him so to do.

1a. In this Schedule,

(a) "tourist camp" includes an auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and

(b) "trailer camp" means land in or upon which any trailer or vehicle is placed, located, kept or maintained, which trailer is so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such trailer or vehicle is jacked-up or that its running gear is removed, but not including any trailer or vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

Application of Schedule

2. The provisions of this Schedule do not apply to a trailer camp having no more than one lot, located on land adjoining a dwelling occupied by the father, mother, brother, sister, son or daughter of one of the occupants of the trailer, where all the occupants of the trailer have unrestricted use at all times, of all the facilities of the dwelling except sleeping accommodation.

General Requirements

3. In every tourist camp, trailer camp and motel, the operator shall be responsible,

(a) that a metal garbage container with close-fitting lid is provided for each unit, and the garbage collected at least once per day;

(b) that every unit is equipped with at least one fire extinguisher containing at least one quart of carbon tetrachloride, or one or more extinguishers of at least equal power and efficiency;

(c) that the establishment is provided with at least one ten-pound carbon dioxide fire extinguisher or equal, for every five units, and that no unit is distant more than one hundred feet from the nearest such extinguisher; and

(d) that no open fire is allowed, provided that this shall not be deemed to prohibit the reasonable use of a fire in a properly constructed outdoor fire place, under the direct supervision of and in the presence of a competent person in charge of the same.

PART II

Trailer Camps

4. In every trailer camp, the operator shall be responsible,

(a) that the camp is divided into lots, each lot of an area of at least one thousand square feet and a width at its narrowest part, of at least twenty-five feet;

(b) that each lot abuts upon a driveway of a width of at least thirty feet, and direct and unobstructed access to a highway;

(c) that every driveway is hard-surfaced, well-marked in daytime, and well-lighted at all times other than full daylight;

(d) that every lot is equipped with a sewer connection and an electric outlet, and the boundaries well-marked;

(e) that every camp is well-drained, and provided with at least one public telephone and one sanitary drinking fountain for every twenty-five lots or fraction thereof;

(f) that washing and bathing facilities are provided and properly maintained, with running hot as well as cold water, sufficient to service the needs of the occupants to be accommodated by the number of lots available to be licensed;

(g) that all electric, water and sewage services are properly maintained at all times, and suitable garbage containers provided and properly maintained, and all garbage collected and properly disposed of at least once every day, and the whole area kept clean and orderly at all times;

(h) that no trailer is allowed to be occupied by such a number of persons as to leave less than four hundred cubic feet of airspace for each; and

(i) that each lot in the camp is occupied by only one trailer, except for a lot or lots reserved for the storage of unused trailers which lots do not have more than one connection for sewers.

Duration of Trailer Camp Licence

5. Licences may be granted for a period of one month or longer to the operator of a trailer camp for each lot to be made available for the occupancy of a trailer during the currency of the licence, and he shall not allow any lot to be used for the occupancy of a trailer, without a licence therefor.

Licence Fee

6. The licence fee payable by the operator of a trailer camp for each lot to be made available for the occupancy of a trailer during the currency of the licence is hereby fixed at twenty dollars per month, and all such fees shall be paid in advance.

6a.(1) No licence fee shall be payable under Section 6, where,

(a) a lot is to be made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence; or

(b) a lot is to be made available only for occupancy by a trailer that is assessed under the Assessment Act.

(2) In respect of a lot for which an exemption from licence fees is claimed under subsection (1) the operator shall supply with the licence application, the full names of the occupiers and their address, being their usual or normal place of residence, or the address at which the trailer is assessed.

PART III

Tourist Camps

No Trailers

7. The operator of a tourist camp shall not allow any trailer to be used for living accommodation in any part of the tourist camp, without a trailer camp licence for such part.

Auto Camps

8. Every part of a tourist camp which is used as an auto camp shall be laid out, equipped and maintained by the operator in accordance with the requirements for a trailer camp,

except that in lieu of electric and sewer connections for each lot, he shall provide and properly maintain adequate and suitable lighting and sanitary facilities for the camp.

Tourist Cabins

9. Where tourist cabins are provided, the operator shall be responsible that each is situate on a lot having an area of at least one thousand square feet, and that in each cabin there are provided and properly maintained adequate and suitable lighting facilities, sanitary facilities, and at least one lavatory basin, one kitchen sink, and one bath tub or shower bath, with running hot as well as cold water, and that no cabin is allowed to be occupied by such a number of persons as to leave less than five hundred cubic feet of air space for each.

PART IV

Motels

10. Every operator of a motel shall be responsible that it is constructed, equipped, maintained and operated in accordance with the requirements of this Schedule for tourist cabins, except as to lot area.

11. The licence fees are provided in section 21 of Schedule 45 of this by-law.

SCHEDULE 22

TRANSIENT VENDORS AND PERSONS COMMENCING BUSINESS AFTER THE RETURN OF THE ASSESSMENT ROLL

1. In this schedule,

(a) "trade" means trade, business, calling or occupation;

(b) "transient vendor" includes,

(i) persons whose names have not been entered on the assessment roll, in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner; or

(ii) a transient trader; but

(iii) does not include a charitable organization or non-profit group or corporation selling goods, wares or merchandise, the proceeds from which are donated to, or used for charitable objects.

(c) "transient trader" includes any person commencing business in the City of Hamilton who has not resided continuously in the City for at least three months next preceding the time of commencing such business there.

1a. This by-law does not apply to:

(a) The sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock; and

(b) The sale of a business to a purchaser who continues the business.

2. Every transient vendor shall obtain and maintain in good standing a licence authorizing the transient vendor to carry on or engage in his trade.

3. No transient vendor shall commence the sale of goods, wares or merchandise until a licence has been issued under section 2.

4. Every applicant for a licence or a renewal thereof shall make the application in person and not by an agent or representative.

5. Every transient vendor shall pay the licence fee before commencing his trade.

6. No licence shall be issued where the fee has not been paid in full at the time of making the application.

7. Every transient vendor shall comply with the following:

(1) Provide the Licensing Committee with the following information before commencing the sale of any goods, wares or merchandise, and of any changes to this information upon oral or written request of the Issuer of Licences:

(a) Name, and the address of his permanent place of residence;

(b) Name and address of any other permanent or temporary place from which he conducts his business or part thereof or which serves as a business address;

(c) Whether any goods, wares or merchandise or any part or class of them offered for sale or to be sold was at any previous time offered for sale or sold in the City or any other place and the locations or addresses of such previous offers or sales and a description of the circumstances of such offers for sales or sales;

(d) A description of the class or classes of goods, wares or merchandise offered for sale, and where and from whom acquired;

(e) Names and addresses of all persons employed or associated with him or otherwise acting for or on his behalf in any offer for sale or sale of goods, wares or merchandise;

(f) Description in detail of the manner, method or technique proposed to be used by him and by any person mentioned in paragraph (2)(e) to be used in any offer for sale and selling the goods, wares or merchandise;

(g) A statement in writing containing a full description of the goods, wares or merchandise that the applicant proposes to sell or offer for sale under the licence.

(2) Provide the Licensing Committee upon oral or written request of the Issuer of Licences or the Chief Licence Inspector, after commencing sale of any goods, wares or merchandise, with a Statutory Declaration declaring as to:

(a) the classes of goods sold;

(b) the manner, method or techniques of offer for sale or sales;

(c) the date of commencement of any sale and the closing date of the sale;

(d) the location at which the offers for sale were made and the places at that location where the sales took place;

(e) the names and addresses of each person engaged in the offering for sale or the sale;

(f) description and percentage of the goods, wares or merchandise sold and unsold.

8.(1) The licence fees are provided by section 22 of Schedule 45 of this by-law.

(2) The licenses issued under this Schedule shall expire three months from the date of issuance.

(3) The sum paid for a licence shall be credited to the person paying it, or to any purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of and or in connection of the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.

(4) Every transient trader shall cause the licence to be prominently and permanently displayed in the transient trader's place of business during the full term in which the transient trader is carrying on business as a transient trader and in default thereof is guilty of an offence.

SCHEDULE 23

PET SHOPS

1. In this Schedule,

(a) "animal" includes animal or bird whether or not exotic or wild and fish;

(b) "cage" means a cage, tank, container or other receptacle for different species as the case may be;

(c) "exotic animal" includes any wild mammal or wild bird or amphibian, reptile, fish or offspring thereof not indigenous to the United States and Canada that is not a pet or raised as a pet, but does not include an animal used for research or at a zoological garden;

(d) "inspector" includes an inspector of the Society;

(e) "medical officer" means the Medical Officer of Health of the Hamilton-Wentworth Regional Health Unit;

(f) "pet shop" means a shop or place where animals or birds for use as pets are sold or kept for sale;

(g) "pet shop keeper" means a person who keeps a pet shop;

(h) "Society" means The Hamilton Society for the Prevention of Cruelty to Animals;

(i) "Veterinarian" means a person registered under The Veterinarians Act;

(j) "wild animal" includes any vertebrate except fish, that live in a wild or natural state in the United States or Canada and which is not subjected to domestication through selective or controlled breeding.

2.(1) There shall be taken out by every pet shop keeper a licence from the City authorizing the pet shop keeper to carry out his trade, calling, business or occupation in the City.

(2) No person mentioned in subsection (1) shall, within the City carry on or engage in the operation of a pet shop until a current and valid licence has been issued to him, entitling him so to do.

(3) Every pet shop keeper shall, upon application for a licence or renewal of a licence, pay to the City the fee fixed by this by-law.

(4) No licence shall be issued where the fee is not paid in full at the time of the application.

3. Every applicant for a pet shop keeper's licence shall take out a separate licence for each pet shop.

4.(1) No pet shop keeper's licence shall be issued by the Licence Committee unless the applicant,

(a) has an educational background relating to animal care and husbandry or equivalent practical experience;

(b) has not been convicted of any offence under sections 444, 445, 446 or 447 of The Criminal Code, or of any similar offence in any other jurisdiction;

(c) produces the written approval of,

(i) the medical officer; and

(ii) the Hamilton Society for the Prevention of Cruelty to Animals,

to the physical content of the shop, the conditions of operation and the quality of care.

(2) Notwithstanding subsection (1), where the applicant satisfies the Licence Committee that the issuance of a licence to him or her would not be contrary to this by-law, a licence may be issued.

(3) (Repealed)

(4) Every application for a licence under this Schedule shall, upon receipt, be submitted by the Licence Administrator to the Society for review and comment.

5. Every pet shop keeper shall comply with the following regulations:

1. Permit only persons to operate or manage a pet shop who are qualified or have comparable practical experience in animal care and husbandry satisfactory to the Society.

2. Permit only persons who are trained to the satisfaction of the Society to attend to the care, feeding and cleaning of animals in the pet shop.

3. Display a sign having in plain letters not less than six inches in height in the English language, the words "Licensed Pet Shop".

4. Display the sign referred to in regulation 3,

(a) over the street door; or

(b) in the lower front window of the premises; or

(c) in another place conspicuous from outside the shop satisfactory to the Licence Committee.

5. Maintain the shop or place of business, or any part thereof or any cage or container or receptacle,

(a) in a sanitary condition; and

(b) in a well ventilated condition; and

(c) in a clean condition; and

(d) free from offensive odours; and

(e) free from dirt, filth, manure, excrement or other offensive matter.

6. Keep the stock of animals in quarters satisfactory to the Society, that are,

(a) sanitary; and

(b) well ventilated; and

(c) well bedded; and

(d) clean; and

(e) at a healthful temperature at all times, required for the particular species of animal;

(f) adequately lighted to permit,

(i) observation of all animals; and

(ii) proper housekeeping.

7. Keep the animals,

(a) in a clean and healthy condition appropriate to the particular species; and

(b) free from infestation, vermin and disease.

8. Keep the animals in cages,

(a) that cannot be easily overturned or contaminated; and

(b) that are equipped with receptacles for food and water.

9. Keep the animals other than birds in cages having floors of either,

(a) solid construction including metal or other impermeable surface; or

(b) wire mesh,

(i) with spaces between the wire mesh smaller than the pads of the animal confined therein; and

(ii) of a sufficient thickness to support the weight of the animal, without bending; and

(iii) so designed to prevent injury to a confined animal.

10. Keep birds in cages having removable metal or other impermeable bottoms of adequate size.

11. Use only cages, containers, or receptacles sufficient in size and height to permit an animal, other than a bird, confined therein to,

(a) stand normally to its full height; and

(b) turn around easily; and

(c) to move about easily for the purpose of maintaining its physical well-being; and

(d) to lie down in a fully extended position.

12. Permit not more than 20 Budgerigars or Canaries or twenty-five Finches to be contained in a single cage with minimum dimensions of 68.6 cm. (27 in.) by 40 cm. (16 in.) by 78.7 cm. (31 in.).

13. Permit not more than 15 Budgerigars or Canaries or twenty Finches to be contained in a single cage with minimum dimensions of 60 cm. (24 in.) by 35 cm. (14 in.) by 40 cm. (16 in.).

14. Each cage containing birds shall be of sufficient size and dimensions to enable each bird to have an amount of perch space for itself which will permit the bird to fully extend its wings in every direction from its perch.

15. Clean and wash the floor or cage bottom thoroughly at least once each day or more often as may be necessary to comply with regulation 5.

16. Locate all animals, other than fish, in cages in the pet shop in such a way as to provide for,

(a) maximum comfort to satisfy the known and established needs for a particular species; and

(b) safeguards to prevent extreme environmental changes; and

(c) preventing undue direct physical contact with the general public.

17. Provide drinking water to animals at least once each day including Sundays and holidays and more often as may be necessary.

18. Maintain a supply of potable water at all times readily available to the animals other than fish.

19. Feed each animal requiring a daily intake of food at least once every 24 hour period including Sundays and holidays, as may be applicable for each species.

20. Provide food for each animal of sufficient nutritive content for the health and wellbeing of the species.

21. Not confine incompatible species of animals in the same cage.

22. Display any animal in a shop or display window,

(a) only at the rear of the windowed space; and

(b) out of draughts; and

(c) out of the rays of the sun.

23. Not sell or offer for sale any animal for use as a pet before its normal weaning age.

24. Not sell or offer for sale any animal for use as a pet that is dyed or to which dye has been applied either externally or through ingestion.

25. Not sell or offer for sale chicks, ducklings, or other live poultry.

26. Not sell or offer for sale chicks, ducklings, or other live poultry as a bonus to a sale or part of a sale of any other goods, products, or services.

27. Keep for sale, sell or offer for sale only animals that are not,

(a) non-human primates;

(b) North American animals, excluding fish, that are,
    (a) wild by nature; or
    (b) on the endangered species list, unless the animals were bred in captivity.

28. Not sell or offer for sale any sick or diseased animal.

29. Not sell or offer for sale any animal that exhibits,

(a) obvious signs of infectious disease, including distemper, hepatitis, leptospirosis and rabies;

(b) for a driving instructor to teach a paraplegic student driver how to drive in a vehicle suitably equipped for that purpose, though not corresponding to the other requirements of this Schedule, provided that all other safety precautions are taken, which are reasonably practicable, including precautions with respect to the time when and the places where the instruction is given.

7. The licence fees are provided in section 7 of Schedule 45 of this by-law.

SCHEDULE 24

BAKE SHOPS

Application for Licence

1. (1) Every owner or operator of a shop which in which baked goods are made, offered for sale, stored or sold, shall obtain and maintain in good standing a licence from the City, authorizing the the use of the premises as a bake shop.

(2) No person shall carry on, or engage in, the business or occupation of operating a bake shop, without first having obtained a licence under this Schedule.

Certificate of Medical Officer

2. No such licence shall be issued until the medical officer gives a certificate that all regulations and conditions have been fully complied with.

3. The amount of the licence fee is provided in section 24 of Schedule 45 of this by-law.

SCHEDULE 25

DRY CLEANING ESTABLISHMENTS, ETC.

Licence Required and Payment of Fee

1. No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do, use any land,

(a) for the purpose of the business of dry cleaning, dry dyeing or cleaning and pressing, including spotting or stain removing;

(b) for the purpose of the business of spotting or stain removing;

(c) for the purpose of receiving articles or goods to be subjected to any such process hereinbefore in this Schedule mentioned; or

(d) for the purpose of the distribution of articles or goods that have been subjected to any such process aforesaid.

2. The licence fees are provided in section 25 of Schedule 45 of this by-law.

SCHEDULE 26

STORAGE OF PETROLEUM AND OTHER DANGEROUS OR INFLAMMABLE SUBSTANCES

Licence Required and Payment of Fee

1.(1) No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do, store petroleum, naphtha or other dangerous or combustible, inflammable or explosive substance in quantities of more than eleven kilograms.

(2) Subsection (1) does not apply to motor fuel lawfully stored in an underground tank in a public garage under licence pursuant to this by-law, or to explosive lawfully stored in a magazine under licence granted pursuant to a bylaw of the City Council, or to explosive lawfully kept temporarily, under a permit from the building commissioner.

2. The licence fees are provided in section 26 of Schedule 45 of this by-law.

SCHEDULE 27

LAUNDRIES AND LAUNDRETERIAS, ETC.

Licence Required and Payment of Fee

1.(1) No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this by-law entitling him so to do, carry on the business of a laundry.

(2) Subsection (1) shall not apply to or include individuals carrying on a laundry in private dwelling houses.

(3) No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this by-law entitling him so to do, carry on a laundreteria, or the business of making available to the public any of the following services or machines, namely washing machines, dryers and dry cleaning machines for use by the public, whether or not such machines are coin operated.

2. The operator of every business of making available to the public the use of any of the following services, or machines, namely, laundreterias and washing machines, dryers and dry cleaning machines for use by the public, including coin-operated washing machines, dryers and dry cleaning machines, shall be responsible to see that there is posted up with the licence certificate a notice signed by him and giving his name, address and telephone number, and the name, address and telephone number of the employee or agent who is in charge of the particular premises, if that person is other than the operator.

3. The licence fees are provided in section 27 of Schedule 45 of this by-law.

SCHEDULE 28

LODGING HOUSES

Interpretation

1. In this by-law, "lodging house" means a lodging house as defined in the licensing provisions of The Municipal Act, where sleeping accommodation is provided for four or more lodgers, and for the purposes of this by-law are classified as follows:

(a) "hostel", which means a lodging house where men only or women only are harboured, received or lodged for hire for a single night or for less than a week at one time, except a hotel, tourist home, private hospital or nursing home;

(b) "second level lodging home" means a house as may be licensed under By-law 80-259, as amended;

(c) "ordinary lodging house", which means a lodging house primarily intended or used as a dwelling, where persons are harboured, received or lodged for hire by the week or more than a week, but not for any period of less than a week, and are accommodated without any separate kitchen, kitchenette or kitchen sink, but excepting a hotel, private hospital, public or private home for the aged, children's home or boarding school;

(d) "tourist home", which means a lodging house primarily intended or used as a dwelling, but where men and women are harboured, received or lodged for hire for a single night or for less than a week at one time, except a hotel, motel, private hospital or nursing home; and

(e) "unclassified lodging house", which means any lodging house not hereinbefore classified, the licensing of which by the council of a local municipality is authorized by the provisions of The Municipal Act.

Licence Required

2.(1) No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do, keep a lodging house.

(2) Any licence granted shall specify for what class or classes of lodging house it is granted, and no person shall carry on any class of lodging house for which he has not been granted a licence.

(3) Subject to sections 6 and 7 of this Schedule, second level lodging house licences and applications shall be dealt with under this by-law.

Miscellaneous Requirements for Lodging Houses

3.(1) Every lodging house shall be so designed, constructed and equipped as to be suitable in all respects for the purpose for which it is used or intended to be used, and, without restricting the generality of the foregoing,

(a) For every seven persons residing in a lodging house there shall be one water closet, one wash basin and one bath tub or shower bath in a separate room or compartment, and, for an additional fraction of seven, one water closet and one wash basin in a separate room or compartment.

(2) The operator of every lodging house shall be responsible,

(a) That the building and all facilities are maintained and used in accordance with the standards hereinbefore provided, and that the same and all equipment, furniture and furnishings are kept in good repair and in clean and sanitary condition, and that the normal use of all required facilities is available to all lodgers at all times;

(b) That all required means of egress are kept at all times unobstructed and properly lighted;

(c) That every bedstead is of metal, and is set up only in a suitable bedroom or dormitory, and that all bedding is at all times in clean and sanitary condition and otherwise suitable;

(d) That no room used for sleeping accommodation is used in such manner as to provide less than 600 cubic feet of air space and 75 square feet of floor space for each person of 16 years of age or over, or less than 480 cubic feet and 50 square feet of floor space for each person under the age of 16 years;

(e) That every required window is readily openable, whether there is mechanical ventilation or not;

(f) That there is available at all times a supply of running hot water to all required facilities for running hot water, from an adequate and suitable hot water tank connected wherever such water supply is available, to the water supply of the city corporation;

(g) That there is provided at all times an adequate supply of clean towels for each individual, and other customary toilet supplies, and that all water-closet accommodation and toilet accommodation is provided without extra charge;

(h) That from the first day of October until the 23rd day of May following, and at all other times when heating may be reasonably necessary for the preservation of health, the temperature of all rooms and halls shall be maintained at not less than 70 degrees Fahrenheit between eight o'clock in the forenoon and ten at night, and not less than 65 degrees Fahrenheit between ten o'clock at night and eight in the morning;

(j) That a register is kept of all residents, showing the name, sex and approximate age of each lodger, and the date of his admission and departure;

(k) That there is posted up with the licence certificate a notice signed by him and giving his name, address and telephone number, and the name, address and telephone number of the employee or agent who is in charge of the particular premises, if that person is other than the operator.

(3) The operator of every lodging house shall be responsible that every case of communicable disease or death of any lodger is promptly reported to the medical officer of health.

Inspection

4. The medical officer of health and the chief fire prevention officer may at all reasonable times make inspection of any lodging house and of the record book required to be kept and either of the said officials may delegate such duty to any competent subordinate; and any member of the police force delegated to such duty may at all reasonable times make inspection of any tourist home and of the record book required to be kept, and may at all reasonable times when occasion may require, make similar inspection of any other lodging house and record book.

5. The amount of the licence fee for a licence granted under this Schedule, except the fee for a second level lodging house licence, is provided in section 28 of Schedule 45 of this by-law.

6. The provisions of by-law 80-259, as amended, continue to apply to second level lodging houses, including the fees for licences.

7.(1) The issuance, revocation and administration of second level lodging house licences shall be dealt with under the provisions of this by-law.

(2) Sections 3 through 5 of this Schedule, both inclusive, shall not apply to second level lodging houses.

SCHEDULE 29

MASSAGISTS

Licence Required and Payment of Fee

1. No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this Schedule, entitling him so to do, engage in the occupation of a massagist.

la. No licence shall be issued until the applicant applying for a licence produces satisfactory proof that the applicant is registered for the year during which the licence is in force with the Board of Directors of Masseurs.

2. Every massage parlour shall be sufficiently suitable for the purpose, and the operator of the same shall be responsible that it is open for inspection at all reasonable times, by the medical officer of health or by an inspector acting under his or her instructions.

3. The amount of the licence fee is provided in section 29 of Schedule 45 of this by-law.

SCHEDULE 30

PAWNBROKERS

Application for Licence

1. No person shall engage in the occupation or business of a pawnbroker, without paying the amount of the licence fee, and obtaining a licence under this Schedule and as prescribed by the Pawnbrokers Act, R.S.O. 1990, c. P.6 entitling him or her so to do.

2. No licence certificate for a licence granted under the provisions of this Schedule shall be issued except under the hand of the city treasurer, acknowledging receipt of the amount of the licence fee, and of the security required by the said Act to be furnished to the municipality to the satisfaction of the city treasurer.

3. The amount of the licence fee is provided in section 30 of Schedule 45 of this by-law.

SCHEDULE 31

PUBLIC BATHS

Licence Required

1. No person shall, in the City of Hamilton, keep any class or classes of public bath premises operated for profit, without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do.

2. The amount of the licence fee is provided in section 31 of Schedule 45 of this by-law.

SCHEDULE 32

PUBLIC GARAGES

1. In this by-law,

(a) "public garage" means a public garage within the meaning of the licensing provisions of The Municipal Act.

2.(1) No person shall in the City of Hamilton, carry on the business of a public garage without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do.

(2) Every person required to obtain a licence under this Schedule shall be required to obtain a separate licence with respect to every class of public garage carried on, and with respect to every separate premises.

(3) Every licence is personal to the holder thereof and is not transferable.

Classes of Licence

3.(1) Any licence entitles the licensee to carry on only such class or classes of public garage as may be specified, and the licensee shall not be entitled to carry on or engage in any class of public garage for which he has not been granted a licence.

(2) The various classes of public garage shall be as follows:

(a) "Garage A" a building or place where motor vehicles are stored or kept for sale;

(b)(i) "Garage B1" a building or place used as a motor vehicle repair shop, including body and fender repairs;

(ii) "Garage B2" a building or place used as a motor vehicle repair shop excepting body and fender repairs; and

(iii) "Garage B3" a building or place used as a motor vehicle repair shop for body and fender repairs only;

(c) "Garage C" an automobile service station within the meaning of the licensing provisions of The Municipal Act, or a building or place where gasoline or oils are stored or kept for sale, except a retail store where any such gasoline or oils are sold in sealed containers only;

(d) "Garage D" a parking station or a parking lot; Provided that the renting of parking space for not more than five motor vehicles, by the operator of an automobile service station licensed as such under this by-law, shall not be deemed to bring any such automobile service station within this class;

(e) "Garage E" a building or place used for washing or cleaning motor vehicles, excepting a licensed public garage without special equipment capable of washing or cleaning more than fifteen motor vehicles in one day.

3a.(1) For the purpose of this section, "car wash" means a building or place used for washing or cleaning motor vehicles as defined in paragraph 3(2)(e).

(2) "car wash, manual", shall mean a vehicle wash wherein the motor vehicle does not move during washing or is washed only manually by a person but without insertion of a coin into a vending machine or receptacle to commence or continue the washing process.

(3) "car wash, mechanical", shall mean a vehicle wash wherein the vehicle is driven or towed into the washing bay and does not move during any one or more phases of the washing process and is washed by equipment that is stationary or moves about the vehicle, but without the insertion of a coin into a vending machine or receptacle to commence or continue the washing process.

(4) "car wash, coin-operated", shall mean a vehicle wash wherein the vehicle is washed either manually or mechanically only upon the insertion of a coin in a vending machine or receptacle to commence or continue the washing process.

(5) "car wash, high-speed mechanical", shall mean a vehicle wash wherein the vehicle is moved by, on, or along a conveyor system during different phases of the washing process.

Application for Licence

4.(1) Every application for a public garage licence shall be in writing and shall show the applicant's name and postal address, the name and address of the public garage or proposed public garage, the class or classes of licence applied for, and a sufficient description of the premises used or proposed to be used, together with sufficient particulars of his arrangements for carrying on the business, and shall be made to the City Council by filing it at the office of the city clerk, together with six true copies.

(2) Save where a similar licence was in force for the previous year with respect to the same premises and there is no change in the relevant information, the application shall be accompanied by a satisfactory plot plan signed by the applicant, with six true copies, based on a registered plan of survey if any, and otherwise in accordance with the actual property lines, drawn to a scale of ten feet to the inch where the area of the site is 25,000 square feet or less, and otherwise to a scale of twenty feet to the inch.

(3) In the case of a parking lot, the plan shall be substantially in accordance with the form of plot plan and showing,

(a) Location of the premises, position of adjacent street lines, sidewalks, boulevards, fire hydrants, poles and driveways, and the position and type of use of adjacent buildings, structures and premises, all according to scale and including an indication of the north point;

(b) The drainage system and type and specifications of surfacing of all outdoor areas to which motor vehicles will have access, together with complete grade levels and the location and dimensions of all catch-basins and other drainage facilities, the location and dimensions of all fuel pumps and islands, and of all barriers, signs, poles, trees, buildings, structures and things above the level of the paving, and of all access driveways, manoeuvring space and parking spaces, entrances, exits and ramps;

(c) In the case of any building or structure, the location of the vehicular and pedestrian entrances and exits, the entrance and exit driveways, the location and grade of ramps within the premises giving access to or from the ground level, the location and size of receiving and exit areas, and where parking tickets or car washing tickets are to be issued, the location and nature of ticket-issuing points; and

(d) Landscaping where such is required by Zoning By-law No. 6593 and any amendments thereto.

(4) The form of every plot plan other than one for a parking lot shall also be in accordance with the scale and general principles above provided for parking lots.

5. Whenever a licence has been granted for any public garage and the business so authorized has not yet been commenced as a regular business within one calendar year following the issuing of the licence, a public garage licence shall not again be issued for the location in question unless and until a new application has been made and the circumstances of the delay dealt with in a report to City Council accompanying the application for a new licence; and in the case of every public garage licence issued, the following words shall appear on the face of the licence:

> "If the business authorized by this licence has not been commenced on a regular basis within twelve months from date of issue, a new licence will not be issued until the circumstances of the delay have been reviewed by the City Council."

Miscellaneous Regulations for All Public Garages

6.(1) Every public garage shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and without restricting the generality of the foregoing,

> (a) All grades and drainage facilities shall be such as to prevent drainage to any street, sidewalk or other adjoining land;
>
> (b) All lighting facilities shall be such as not to cause annoyance from direct glare, to persons on the street or on adjoining land;
>
> (c) All means of ingress and egress shall be in accordance with the plans submitted with the application for licence, or as subsequently authorized and, wherever there is a public sidewalk or curb, shall be by means of an approach ramp installed in accordance with the provisions of the Streets By-law; and
>
> (d) Every sign shall be so located, and shall have such content, colour and design as not to create any unusual hazard or confusion to any pedestrian or to any driver of a motor vehicle.

(2) The operator of every public garage shall be responsible,

> (a) that all signs and required facilities are maintained in conformity with the requirements hereinbefore set forth;
>
> (b) that save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, no part of any street, public lane or other public place is used for the parking or manoeuvring of motor vehicles, or in any other manner as if it were part of the public garage premises;
>
> (c) that there is no outside storage except of whole motor vehicles in operating condition;
>
> (d) that the premises are kept in an orderly and clean condition, without any scrap, debris or refuse left lying about; and
>
> (e) that prompt report is made to the chief constable, of any motor vehicle which he may have reason to suspect is either stolen or abandoned.

Additional Requirements for Parking Stations and Parking Lots

7.(1) Every parking station and parking lot shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and, without restricting the generality of the foregoing,

> (a) All outside areas to which motor vehicles will have access shall be suitably surfaced with,

(i) hot-mix asphalt on macadam base; or

(ii) asphalt penetration top on macadam base; or

(iii) concrete; or

(iv) crushed stone or slag suitably treated so as to make it dust-free, and to prevent it from spilling or spreading into any street or other adjoining land; or

(v) other as suitable material;

(b) Save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, all parking spaces and all outside areas to which motor vehicles have access, except exits and entrances, shall be provided with barriers at least twenty inches high, so designed, constructed, located and otherwise suitable as to prevent any part of a motor vehicle from projecting over any part of a street, public lane or other public place, or within three inches of the boundary of any other adjoining land;

(c) There shall be provided at each entrance where it may readily be seen by every driver of a motor vehicle about to enter the premises, a suitable sign no nearer to the ground than seven feet, and no farther from the ground than twelve feet, bearing in clear and legible letters and figures no less than four and no more than twelve inches high, the name of the operator, his business address, and the hours and rates for the parking of motor vehicles; and

(d) There shall be provided the required sanitary facilities except where the medical officer of health is satisfied that they are not necessary and has given a written waiver which remains unrevoked.

(2) The operator of every parking station and parking lot shall be responsible,

(a) that all signs and required facilities are maintained in conformity with all applicable provisions hereinbefore set forth;

(b) that every entrance, exit, and access aisle is kept unobstructed for its full length and width, and that all entry, parking and discharge of vehicles is conducted only as indicated on the plans submitted with the application for licence or as subsequently authorized; Provided that this clause shall not be deemed to prohibit a suitable ticket office or automatic control device which does not contribute to congestion or unreasonably obstruct any means of ingress or egress;

(c) that except in the case of a metered or automatically controlled parking station or parking lot, a competent attendant is on duty at all times during business hours as indicated on the sign;

(d) that while no parking spaces are available, a suitable notice announcing that fact is prominently displayed at the entrance; and

(e) that no person is allowed to loiter about the premises.

Additional Requirements for Sales Lots

8.(1) Every place where motor vehicles are stored or kept for sale shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and, without restricting the generality of the foregoing,

(a) All outside areas to which motor vehicles will have access shall be suitably surfaced with asphalt or concrete, or with crushed stone or slag or other as suitable material so treated as to make it dust free and prevent it from spilling or spreading onto any street or other adjoining land; and

(b) Save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, all parking or storage areas shall be equipped with barriers as hereinbefore required for a parking lot, so designed, constructed and located, and otherwise suitable, as to prevent any part of a motor vehicle from projecting over any part of a street allowance or public lane, or within three inches of the boundary of any other adjoining land.

(2) The operator of every place where motor vehicles are stored or kept for sale shall be responsible,

(a) that all signs and required facilities are maintained in conformity with all applicable provisions hereinbefore set forth.

9. Every building or place used for washing or cleaning motor vehicles, except a licensed public garage without special equipment capable of washing or cleaning more than fifteen motor vehicles in one day, shall be in all respects suitable for the purpose, and, without restricting the generality of the foregoing,

(a) Wash-racks. Every wash-rack and other equipment for washing or cleaning motor vehicles, except steam-cleaning equipment, shall be located within a building; and

(b) Surfacing. All outside areas to which motor vehicles will have access shall be suitably surfaced with,

(i) hot-mix asphalt on macadam base; or

(ii) concrete; or

(iii) other as hard-surfaced and otherwise suitable material not including loose crushed stone or slag.

10. The licence fees are provided in section 32 of Schedule 45 of this by-law.

SCHEDULE 40

SPECIAL SALES

1. In this Schedule,

(a) "special sale" means any sale or intended sale at retail described by the use of any of the following words or expressions, or any enlargement, contraction or combination thereof:

bankrupt	moving out	fire
insolvent	selling out	smoke
trustee	lease expiring	water damage
receiver	closing out	creditor
liquidation	discontinuing	forced

or any other similar word or words that represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of retail business.

2.(1) No person shall sell, offer for sale, or advertise for sale in any way, any goods, wares or merchandise by way of a special sale without a licence entitling him so to do.

(2) Every licensee shall sell, offer for sale, or advertise for sale only those goods, wares or merchandise that are listed in the application for a licence or in the application for a renewal of a licence.

3. Every person intending to conduct a special sale shall complete and file an application in writing in Form 1 hereto annexed as Appendix "A".

4. Every application for a licence shall include the following information:

(a) Name, address, age, occupation and place of employment or place of business of the applicant;

(b) Location of goods, place and date or dates of special sale;

(c) Detailed list of goods, wares or merchandise to be offered for sale, including the cost price to the owner thereof and approximate retail value;

(d) Name and address of person or persons from whom goods purchased and date or dates of purchase;

(e) Particulars of ownership of such goods if not owned by the applicant and relationship, if any, between owner and applicant;

(f) Particulars of any damage or other deterioration caused to goods by fire, smoke, water or any other means;

(g) Particulars of the information to be contained in any sign, pamphlet, handbill or other advertisement to be displayed, distributed, announced or published by any means before or during the sale, purporting to indicate the reason for such sale.

5.(1) Every application shall be verified by a Statutory Declaration of the applicant in Form 2, hereto annexed as Appendix "B".

(2) Where the applicant is not the owner of the goods, wares or merchandise, the application shall be verified by a Statutory Declaration of the owner of the goods, wares or merchandise.

6. The applicant shall produce such books, records or other documents or information as the Licence Committee may consider necessary to corroborate the information contained in the application and shall permit the Chief Licence Inspector or a licence inspector to inspect the goods to be sold and to enter and inspect the premises in which such goods are located or in which the sale will be held.

7. Where the Licence Committee is unable to satisfy itself that the facts are in accordance with the Statutory Declaration, the Licence Committee may not issue a licence.

8.(1) Except as provided in subsection (2), every licence issued under this by-law shall be effective from the date of sale shown on the application and shall expire 30 days after the date.

(2) Upon application by the licensee, City Council may:

(a) prior to the expiry of the time mentioned in subsection (1), extend the expiry date of the licence a further 30 days;

(b) prior to the expiry of the further 30 days mentioned in clause (a), extend the expiry date of the licence a further 30 days;

(c) prior to the expiry of the time mentioned in clause (b), extend the expiry date for a further 30 days,

for the further sale of any remaining goods, wares or merchandise described in the original application for a licence.

(3) The applications made under subsection (2) shall contain a detailed list of the goods, wares or merchandise remaining to be sold and shall be verified by a completed Statutory Declaration in Form 3, hereto annexed as Appendix "C".

9. All goods, wares and merchandise for which a licence is issued under this by-law shall be offered for sale:

(a) in a manner physically separating on the premises, the location, area or display of the goods, wares and merchandise offered for sale from any other goods, wares or merchandise not subject to special sale;

(b) in a manner that identifies clearly and conspicuously:

(i) the location, area or display in premises where the goods, wares or merchandise are offered for sale;

(ii) the particular itemized goods, wares and merchandise offered for sale;

(iii) the particular class of special sale for which a licence is issued.

10. The Licence Administrator, if he or she is satisfied that:

(a) any licensee is selling goods, wares or merchandise by way of special sale and not included in the licensee's application; or

(b) the licensee has received his licence upon an application containing false information; or

(c) the licensee has failed to comply with either of sections 9, 14 or 15 hereof,

shall, forthwith, schedule a hearing before the Licence Committee to revoke any licence issued hereunder.

11. The licensee shall permit the inspection, during the currency of the licence, at any time when the premises in respect of which the licence is issued are open for business, to enter and to inspect the premises and the goods to be sold.

12.(1) All advertising material distributed or published in respect to a special sale shall contain statements:

1. Identifying the particular class of special sale.

2. Setting forth that the special sale is held under the authority of By-law No. 66-289 of The Corporation of the City of Hamilton.

3. Whether the special sale deals with all or part of the goods, wares or merchandise located at the premises where the special sale is proposed to be held.

4. That the goods, wares or merchandise in respect of which the licence was issued under this by-law are clearly identifiable at the premises where the special sale is proposed to be held.

(2) The same statements referred to in subsection (1) shall be prominently displayed on the premises at which the special sale is held.

13. This by-law does not apply to a sale by or under the authority of;

(a) a receiver or trustee under The Bankruptcy Act (Canada) or a liquidator under The Winding-up Act (Canada);

(b) a court or a receiver appointed by a court;

(c) a bailiff, sheriff, executor or administrator; or

(d) a receiver, liquidator or trustee under any general or special Act.

14. The licence fees are provided in section 40 of Schedule 45 of this by-law.

SCHEDULE 41

PRECIOUS METALS AND OLD JEWELLERY DEALERS

Interpretation

1. In this schedule,

(a) "goods" means old gold and other precious metals and old jewellery or other articles that may be smelted and from which gold may be recovered;

(b) "metals dealer" means a person who for hire or gain purchases or deals in old gold and other precious metals and old jewellery or other articles for the purpose of smelting the same and recovering gold;

(c) "precious metals" includes silver and platinum.

Licence Required

2. Except where the person holds a current and valid licence issued under Schedule 30 of this by-law, no person shall carry on business as a metals dealer without a licence under this by-law, entitling him so to do.

Duties of Metals Dealers

3. Every metals dealer shall comply with the following regulations:

1. Not alter, repair, change or dispose of or give up possession or give up control or in any way part with any goods purchased or taken in exchange or otherwise acquired, from any person until after the expiration of fifteen clear days, exclusive of Sundays and public holidays from the date of purchase, exchange or other acquisition.

2. Keep the goods at all times on the licensed premises for the period of fifteen clear days referred to in regulation 1, from the date or purchase, exchange or other acquisition.

3. Keep the goods on the licensed premises separate from any other goods previously purchased, taken in exchange or otherwise acquired.

4. Not purchase, take in exchange or otherwise acquire any goods for the purpose of smelting the goods and recovering any gold or other precious metals, from any person apparently under,

(a) the age of 18 years; or

(b) the influence of liquor.

5. Keep and maintain a separate and bound record book approved by the Licensing Committee, entitled "Old Gold, Precious Metals and Jewellery Register".

6. Keep and maintain in the record book referred to in regulation 5, a record only of the purchases, exchanges or other acquisitions of goods transacted in whole or in part, directly or indirectly, in the municipality of the City of Hamilton.

7. Enter into the record book referred to in regulation 5, in the English language, legibly written in indelible ink, a record of all goods purchased, taken in exchange or otherwise acquired.

8. Enter into the record book referred to in regulation 5, an accurate description of the goods sufficient to identify the goods, including:

   (a) the quantity, colour, type and commonly known name and trade name, if any;

   (b) the name of the maker, manufacturer or any other name and any initials, description of trademark, crest or other symbol, dates and any other inscribed marking;

   (c) the name, address, full particulars of identification and description of the person from whom the purchase or acquisition, or with whom the exchange was made;

   (d) the price or other consideration for the goods and a description of the consideration; and

   (e) the date and exact time the goods were purchased, exchanged or otherwise acquired.

9. Make the entry referred to in regulations 7 and 8, at the time the goods are purchased, exchanged or otherwise acquired.

10. Not remove, render illegible, alter or vary or in any way change any entry referred to in regulations 7 and 8 at any time, without the prior approval of the Licensing Committee.

11. Not remove any page or part thereof from the record book.

12. Not mutilate or otherwise render unreadable, the record book.

13. Not remove the record book from the municipality of the City of Hamilton, without the prior approval of the Licensing Committee.

14. Complete a record card in duplicate for each purchase, exchange or other acquisition, in form and content in accordance with Form 1 at the time an entry is made in the record book and file the duplicate copy with the Chief Constable.

15. Retain the original record card on file.

16. Deliver the duplicate copy of the record cards to the Chief Constable not later than two o'clock in the afternoon on the same day that the entry was made in the record book.

17. Produce the record book immediately upon demand by the Chief Licence Inspector, a licence inspector or a police constable for the purpose of such inspection and reproduction of content as may be required.

18. Produce the goods recorded or required to be recorded in the record book and kept on the premises in accordance with this schedule, immediately upon demand by the Chief Licence Inspector, a licence inspector or a police constable for the purpose of inspection.

19. (Repealed).

20. Carry on the business of a metals dealer only at the place, location or site identified in the licence.

21. Keep and maintain the place, location or site separate and apart from any other trade, calling, business or occupation carried on upon the premises, by means of counters, partitions, walls or other like barriers.

4. The licence fee is provided in section 41 of Schedule 45 of this by-law.

SCHEDULE 42

BUILDING EXTERIOR CLEANER

1. In this Schedule,

(a) "building exterior cleaner" means a sandblaster, or other person who for gain uses a cleanser to clean or restore the exteriors of buildings or other structures;

(b) "cleanser" means chemicals or pressurized air, water, steam, sand or other abrasive;

(c) "weekdays" means days of the week excluding Saturdays and Sundays:

(d) "work area" means the area exterior to a building or structure being cleaned or restored that is occupied by a building exterior cleaner.

Licence Required

2. No person shall carry on business of building exterior cleaner without a licence under this by-law entitling him so to do.

Duties of Building Exterior Cleaners

3. Every building exterior cleaner shall comply with the following regulations:

1. Provide and maintain barriers separating the work area from pedestrian traffic in the vicinity of the work area.

2. Use barriers or other mechanical means to prevent any cleanser from spreading or diffusing beyond the work area.

3. Keep and maintain public property adjacent to the work area free and clear of building debris and other materials which are used, created or distributed during the course of the work performed.

4.Perform an inspection and clean up, after each work day and after the completion of the work, to remove all debris, sand, abrasive, residue, precipitant, solids, liquids or material which are used, created or distributed during the course of the work performed, from public or private property adjacent to or in the vicinity of the work area.

3a.(1) Every building exterior cleaner shall by notice in writing delivered to the Licence Administrator at least 7 days before commencing to use any cleanser on any building or structure, identify the location of the building or structure and the date and time that use of any cleanser will commence.

(2) Every building exterior cleaner shall in the notice or at any time prior to commencing use of the cleanser, identify particulars of the cleanser, and the manner of its application.

Hours of Operation

4.(1) Every building exterior cleaner shall cease using cleanser on:

(a) weekdays between 5:30 o'clock in the afternoon and 8:30 o'clock in the forenoon of the following day; and

(b) Saturday, Sunday and Holidays.

Licence Fees

5. The amount of licence fee is provided in section 42 of Schedule 45 of this by-law.

SCHEDULE 43

FLEA MARKETS

1. In this Schedule,

(a) "chief building official" means the chief building official appointed under the Building Code;

(b) "flea market" means a place, building, or structure on or in which are situated stands at which trades, callings, businesses or occupations are carried on by separate vendors;

(c) "owner" means a person carrying on or engaging in the business or occupation of operating a flea market and includes a manager, operator, agent and representative;

(d) "patron" means a person who has entered upon the premises of the flea market;

(e) "place" includes land and premises on a part of which a building or structure may or may not be situate;

(f) "stallholder" means a person carrying on or engaging in the business or occupation of operating a stand;

(g) "stand" means an area in the flea market at which new or used goods are exposed or offered for sale.

2.(1) Every flea market owner shall obtain a licence from the City authorizing the owner to carry on or engage in the business of operating a flea market.

(2) Every stallholder shall obtain a licence from the City authorizing the stallholder to carry on the business of operating a stand, unless otherwise licensed by the City for the sale of goods offered for sale or sold at a stand.

3. No person referred to in section 2 shall carry on or engage in his or her business or occupation unless a licence has been issued and is in force.

3a. A flea market owner, before agreeing to make a stand available for a stallholder's business, shall require the stallholder to produce a current and valid licence for a stand in the market, issued under this Schedule.

4. Every applicant for a licence, or a renewal of a licence shall attend at the office of the Issuer of Licences and make and file an application in person and not by his or her agent or representative.

5.(1) Every applicant who is a flea market owner shall fully complete an application for a licence.

(2) Every applicant who is a stallholder shall fully complete an application for a licence.

6.(1) In addition to any other information required under this by-law, every flea market owner shall provide, with his or her application, a suitable site plan of the flea market satisfactory to the chief building official and Licence Committee, showing,

(a) the location and dimensions of the place, building or structure and location of stands; and

(b) the location and number of parking spaces provided for patrons lawfully accommodated.

(2) No licence shall be issued to a flea market owner and no licence shall be renewed to a flea market owner where the owner fails to provide the site plan at the time of application or renewal, in accordance with subsection (1).

7.(1) Every applicant who is a flea market owner shall comply with the following regulations:

1. The flea market must be kept and maintained in an orderly and clean condition, free at all times from debris and waste of any kind.

2. A written list of stallholders, including names, addresses, type or classes of goods which are offered for sale or sold, and the date of the commencement and termination of the use of each stand, must be deposited with the Issuer of Licences at the end of each month.

3. Inspection of the flea market by a Licence Inspector for the purpose of determining compliance with this by-law must be permitted at any reasonable hour.

(2) Every flea market owner and stallholder shall open not earlier than 10:00 o'clock in the forenoon and close not later than 5:00 o'clock in the afternoon of the same day, and shall remain closed during other hours of the day.

8. No licence shall be re-issued or renewed where any owner has failed to comply at any time with any provision of this Schedule.

9.(1) A licence issued under this Schedule shall be for a period of one calendar year.

(2) Every licence shall expire on the last date of the calendar year.

(3) Every licence fee shall be paid for the whole of the year for which the licence is issued.

10. The licence fees are provided in section 43 of Schedule of this by-law.

SCHEDULE 44

Appendixes and Forms

FORM 1 (APPENDIX "A") TO SCHEDULE 4 : OWNER APPLICATION

FORM 2 (APPENDIX "B") TO SCHEDULE 4 : DRIVER APPLICATION

FORM 3 (APPENDIX "C") TO SCHEDULE 4 : TRANSFER OF PLATE

FORM 4 (APPENDIX "D") TO SCHEDULE 4 : LIMITED INTEREST AGREEMENT

FORM 5 (APPENDIX "E") TO SCHEDULE 4 : TRIP SHEET

FORM 2 (APPENDIX "A") TO SCHEDULE 4a : APPLICATION

FORM 5 (APPENDIX "B") TO SCHEDULE 4a : TRIP SHEET

FORM 1 (APPENDIX "A") TO SCHEDULE 20 : SIGN

FORM 1 (APPENDIX "A") TO SCHEDULE 40: APPLICATION

FORM 2 (APPENDIX "B") TO SCHEDULE 40: STATUTORY DECLARATION

FORM 3 (APPENDIX "C") TO SCHEDULE 40: STATUTORY DECLARATION EXTENSION

FORM 1 (APPENDIX "A") TO SCHEDULE 41: RECORD CARD

FORM 1
APPENDIX "A" TO SCHEDULE 4
OWNER APPLICATION

J.J. SCHATZ
CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

APPLICATION AND STATUTORY DECLARATION
FOR A PRIVATE CAB OWNER LICENCE

(Please Print)

NAME _____
SURNAME CHRISTIAN OR GIVEN NAME

ADDRESS _____

NAME AND ADDRESS OF BROKER YOU WILL BE ASSOCIATED WITH IF GRANTED A LICENCE

_____

I HEREBY DECLARE THAT I HAVE NOT GRANTED, ASSIGNED, CONVEYED, TRANSFERRED OR OTHERWISE PASSED ON BY SALE, GIFT OR OTHERWISE, THE USE OR POSSESSION OF ANY OTHER LICENCE ISSUED TO ME FOR A PERIOD OF NOT LESS THAN TWO CONSECUTIVE YEARS IMMEDIATELY PRECEDING THE DATE OF CONSIDERATION OF THIS APPLICATION BY THE LICENCE COMMITTEE.

I HEREBY FURTHER DECLARE THAT I AM EMPLOYED FULL-TIME (AS DEFINED IN SECTION 25(2)(A,B) OF BY-LAW 89-249, AS AMENDED BY BY-LAW 89-316) AS A: (Check One)

TAXICAB OWNER ( ), DRIVER ( ), DISPATCHER ( ), TELEPHONE SERVICE OPERATOR ( )

AND HAVE BEEN EMPLOYED FOR A PERIOD OF NOT LESS THAN TWO YEARS IMMEDIATELY PRECEDING THE DATE OF CONSIDERATION OF THIS APPLICATION BY THE LICENCE COMMITTEE.

ARE YOU PRESENTLY EMPLOYED OTHER THAN IN THE TAXICAB INDUSTRY _____

NAME OF EMPLOYER _____

IS THE EMPLOYMENT FULL-TIME OR PART-TIME _____

I, _____, do hereby declare that the information given in this application and any supporting documents is true, correct and complete in every respect, AND I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of THE CANADA EVIDENCE ACT.

DECLARED before me at the City of)
Hamilton, in the Regional-Municipality)
of Hamilton-Wentworth,)

this day of)
.)
_____) Signature of Applicant

A Commissioner, etc.

FORM 2
APPENDIX "B" TO SCHEDULE 4
DRIVER APPLICATION

APPLICATION FORM

TAXICAB DRIVER

SURNAME: ..... FIRST NAMES: .....

DATE OF BIRTH ..... TELEPHONE NO. .....

DRIVER'S LICENCE NO. ..... CLASS .....

DRIVER'S LICENCE EXPIRY DATE: ..... NO. OF POINTS LOST.....

HISTORY OF RESIDENCE:

ADDRESS	TOWN OR CITY	PROVINCE/STATE	COUNTRY	DATE

NAME AND ADDRESS OF OWNER OR BROKER WITH WHOM YOU WILL BE ASSOCIATED:

HAVE YOU EVER BEEN CONVICTED OF DRIVING OFFENCE? YES: _____ NO: _____
IF YES, EXPLAIN: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE? YES: _____ NO: _____
IF YES, EXPLAIN _____

HAVE YOU HAD AN ACCIDENT IN THE LAST THREE YEARS? YES: _____ NO: _____
IF YES, EXPLAIN: _____

HISTORY OF EMPLOYMENT:

EMPLOYER	ADDRESS	TYPE OF WORK	FROM MONTH-YEAR	TO MONTH-YEAR

****INCORRECT OR OMITTED INFORMATION RENDERS THIS APPLICATION VOID****

I certify the above information to be true to the best of my knowledge.

DATE _____ SIGNATURE OF APPLICANT: _____

SIGNATURE OF OWNER: _____ PLATE NO. _____

SIGNATURE OF BROKER: _____

1992.6.1

Schedule "D"
To
By-law No. 89- 249
FORM 4

FORM 4
APPENDIX "D" TO SCHEDULE 4
LIMITED INTEREST AGREEMENT

The Corporation of the City of Hamilton

BY-LAW NO. 88-136

LIMITED INTEREST AGREEMENT

THIS AGREEMENT made on the day of , 19

B E T W E E N:

_____

Hereinafter called the "PLATE OWNER" of the First Part

- and -

_____

Hereinafter called the "PLATE USER" of the Second Part

1. WHEREAS THE PLATE OWNER holds a taxi-cab licence but has ceased owning a taxi-cab respecting which the licence was issued;

2. AND WHEREAS THE PLATE USER is the owner of a taxi-cab but is not the holder of a licence respecting a taxi-cab;

3. AND WHEREAS THE PLATE OWNER and the PLATE USER intend herein to enter into this Agreement (hereinafter referred to as a "limited interest agreement") wherein a licence is transferred temporarily by the PLATE OWNER to the PLATE USER.

4. NOW THEREFORE THIS AGREEMENT WITNESSETH in consideration of the mutual covenants and an agreement hereinafter contained, the PARTIES hereto mutually covenant and agree as follows:

A. PLATE OWNER'S COVENANTS AND AGREEMENTS:

1. An interest in City of Hamilton taxi-cab licence hereinafter referred to is hereby transferred to the PLATE USER for a period commencing on the _____ day of _____, 19____, and ending on the _____day of _____, 19__.

2. My full and correct name and business address is _____ _____.

3. The City of Hamilton taxi-cab licence number and year of issue is _____ _____.

4. The date on which the licence, which is the subject of this Agreement was issued _____.

5. Full particulars of all consideration given by me, whether in money or in any other kind, direct or indirect, including fees and/or rental _____ _____ _____

4. The motor vehicle permit plate number for the taxi-cab owned by me, issued under THE HIGHWAY TRAFFIC ACT is _____.

5. I am the sole owner in my own right of the taxi-cab respecting which the PLATE OWNER is transferring to me a limited interest in his licence.

6. Full particulars of all consideration given by me, whether in money or in kind, direct or indirect, including fees and/or rental _____.

7. Breakdown of all other amounts given by me to the PLATE OWNER _____.

8. Full particulars of my responsibility for the maintenance, repairs, gas and oil for the taxi-cab _____.

9. Full particulars as to where and how the maintenance, repairs or purchases are to be made and payments therefor _____.

10. I will take out, before using the taxi-cab, insurance in accordance with regulation 3 of section 13 of Schedule 4 of By-law No. 79-323.

11. Upon any transfer or purported transfer, directly or indirectly, the limited interest in this Agreement, this Agreement shall be terminated on the date of the transfer or purported transfer or on the date, if any, fixed by the PLATE OWNER.

C. OTHER TERMS AND CONDITIONS by the Parties hereto set out in SCHEDULE "A" to this AGREEMENT not contrary to By-law No. 79-323.

D. PLATE OWNER'S AND PLATE USER'S JOINT COVENANTS AND AGREEMENTS:

1. The Agreement herein shall be for a period commencing on the _____ day of _____, 19_____ and ending on the _____ day of _____, 19____.

2. This Agreement is made on the following basis -- daily, weekly, monthly, yearly or _____ _____.

3. This Agreement comes into force on the _____ day of _____, 19___.

4. This Agreement shall be deemed to be executed by both Parties hereto and Witnessed on the _____ day of _____ _____, 19____.

IN WITNESS WHEREOF the Parties hereto have affixed their hands and seals

THIS _____ day of _____, 19___.

_____ _____
Witness PLATE OWNER

_____ _____
Witness PLATE USER

Note: If insufficient space, please enumerate provision on reverse side of page on which the provision appears and use or add pages and initial and date.

FORM 5

APPENDIX "E" TO SCHEDULE 4: TRIP SHEET

IT IS MANDATORY TO COMPLETE ALL BUT THE SHADED AREAS

Date _____ Driver _____ Cab No. _____

IN		OUT	
_____ a.m. p.m.	mileage	_____ a.m. p.m.	mileage

Paid Miles	Units	Trips
Out		
In		
Dif.		

Trips		TOTAL SALES	
Units		Com. ___ %	
Extras		Gal ___ Gas	
Hourly		Oil	
Dismiss.		Misc.	
Misc.		Charges	
Total		Total Exp.	
		CASH	

Trip	No. Pass.	FROM	TO	$	¢	$	¢
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
			TOTAL				

_____

DRIVER'S SIGNATURE

EQUIPMENT FAULTS : BRAKES ☐ STEERING ☐ LIGHTS ☐ EXHAUST SYSTEM ☐
RADIO ☐ METER ☐

CLEANLINESS AND DAMAGE : INTERIOR ☐ EXTERIOR ☐

CHECK : OIL ☐ TRANSMISSION FLUID ☐

FORM 2
APPENDIX "A" TO SCHEDULE 4a
APPLICATION

APPLICATION FORM

LIVERY DRIVER

SURNAME: ..... FIRST NAMES: .....

DATE OF BIRTH ..... TELEPHONE NO. .....

DRIVER'S LICENCE NO. ..... CLASS .....

DRIVER'S LICENCE EXPIRY DATE: ..... NO. OF POINTS LOST.....

HISTORY OF RESIDENCE:

ADDRESS	TOWN OR CITY	PROVINCE/STATE	COUNTRY	DATE

NAME AND ADDRESS OF OWNER OR BROKER WITH WHOM YOU WILL BE ASSOCIATED:

HAVE YOU EVER BEEN CONVICTED OF DRIVING OFFENCE? YES: _____ NO: _____
IF YES, EXPLAIN: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE? YES: _____ NO: _____
IF YES, EXPLAIN _____

HAVE YOU HAD AN ACCIDENT IN THE LAST THREE YEARS? YES: _____ NO: _____
IF YES, EXPLAIN: _____

HISTORY OF EMPLOYMENT:

EMPLOYER	ADDRESS	TYPE OF WORK	FROM MONTH-YEAR	TO MONTH-YEAR

INCORRECT OR OMITTED INFORMATION RENDERS THIS APPLICATION VOID

I certify the above information to be true to the best of my knowledge.

DATE _____ SIGNATURE OF APPLICANT: _____

SIGNATURE OF OWNER: _____ PLATE NO. _____

SIGNATURE OF BROKER: _____

1992.6.1

To Schedule 4(a)

FORM 5

APPENDIX "B" TO SCHEDULE 4a: TRIP SHEET

IT IS MANDATORY TO COMPLETE ALL BUT THE SHADED AREAS

Date _____ Driver _____ Cab No. _____

IN		OUT	
____ a.m. p.m.	mileage	____ a.m. p.m.	mileage

	Paid Miles	Units	Trips
Out			
In			
Dif.			

Trips			TOTAL SALES
Units			Com. ___ %
Extras			Gal ___ Gas
Hourly			Oil
Dismiss.			Misc.
Misc.			Charges
Total			Total Exp.
			CASH

Trip	No. Pass.	FROM	TO	$	¢	$	¢
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
			TOTAL				

_____

DRIVER'S SIGNATURE

EQUIPMENT FAULTS : BRAKES ☐ STEERING ☐ LIGHTS ☐ EXHAUST SYSTEM ☐
RADIO ☐ METER ☐

CLEANLINESS AND DAMAGE : INTERIOR ☐ EXTERIOR ☐

CHECK : OIL ☐ TRANSMISSION FLUID ☐

FORM 1
APPENDIX "A" TO SCHEDULE 20
SIGN

The Corporation of the City of Hamilton
By-law No. 92-144

WARNING PROHIBITING SALE OF TOBACCO TO MINORS

The sale of tobacco to persons under 18 years of age is limited by Federal and Provincial laws, which provide:

Persons under 16 years of age may not purchase or be sold cigarettes or cigarette papers.

Any person or their agent, being the owner of property on which a vending machine is located, may take from any person under 16 years of age, cigarettes, cigars or tobacco which are being purchased from the machine, or which are about to be used by the person under 16.

No one may sell or give tobacco, cigars or cigarettes to someone under 18 years of age for their own use.

Persons being 16 or 17 years of age must supply the written permission of a parent or guardian to purchase cigarettes cigars or tobacco.

PROOF OF AGE MAY BE REQUIRED

FORM 1 (APPENDIX "A") TO SCHEDULE 40 : APPLICATION

SPECIAL SALES LICENCE (Section 3)

1. Name of Applicant: .....

2. Address: .....

3. Age:..... Occupation .....

4. Place of employment or place of business, if other than above: .....

5. Present location of goods to be sold: .....

.....

6. Place at which sale to be held: .....

.....

7. Date or dates of sale: .....

8. Name and address of owner of goods, if other than applicant: .....

.....

.....

9. Relationship, if any, between applicant and owner: .....

.....

10. Particulars of any damage or other deterioration to goods being sold: .....

.....

.....

11. Full particulars of information to be used by way of advertisement of sale indicating any reason for sale: .....

.....

12. Description of Goods (Column 1), Name and Address of Person Whom Goods purchased (Col. 2), Date of Purchase (Col. 3), Cost Price per Unit (Col. 4), Retail Price per Unit (Col. 5)

.....

.....

FORM 2 (APPENDIX "B") TO SCHEDULE 40 : STATUTORY DECLARATION

The Corporation of the City of Hamilton

Statutory Declaration

(Section 5)

PROVINCE OF ONTARIO	) IN THE MATTER OF an application for
	) a licence to carry on a special sale
OF	) pursuant to the provisions of By-law
	) Numberof The Corporation of
TO WIT:	) the City of Hamilton.

I, ... of the ..... of ..... in the ..... DO SOLEMNLY DECLARE THAT:

1. I am the owner (and applicant) described in the application attached hereto, and as such have knowledge of the statements and information contained therein.

2. The statements and information contained in the said application are true and correct to the best of my knowledge and belief.

3. I am of the full age of twenty-one years.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act."

DECLARED before me at	)
the of	)
in the	)
of	)
this day of	)
A.D. 19	)

.....
A Commissioner, etc.

FORM 1 (APPENDIX "A") TO SCHEDULE 41 : RECORD CARD

2ND HAND/PRECIOUS METAL/PAWN REPORT

☐ PURCHASED ☐ PAWNED ☐ PREVIOUSLY PAWNED	☐ JEWELLERY ☐ WATCH ☐ OTHER	SERIAL NUMBER			
DETAILED DESCRIPTION					
CUSTOMER	NAME	AGE	HAIR STYLE	HAIR COLOUR	
	ADDRESS	SEX	WEIGHT	HEIGHT	
SIGNATURE		AMOUNT	PLEDGE NUMBER		
DEALER		DATE	☐ AM ☐ PM		
PAWN OFFICER'S USE					

100818 MAR80

SCHEDULE 45

FEES

1. Schedule 1 (Auctioneers) : The licence fee for a licence under Schedule 1 is $80.00. (S.1, s.7)

2. Schedule 2 (Barber and Hairdressing Shops) : The licence fee for a licence under Schedule 2 is $50.00. (S.2, s.2)

3. Schedule 3 (Retail Butchers and Fishmongers) : The licence fees for licences under Schedule 3 are as follows:

(a) Retail Butcher and Fishmonger, $50.00; and

(b) Fishmonger Only, $50.00.(S.3, s.6)

4. Schedule 4 (Taxicabs) : The fees for licences and other matters under Schedule 4 are as follows:

(a) Initial application for entry on the priority list, $60.00;

(b) Annual renewal of placement on the priority list, $60.00;

(c) First issuance of a private taxi-cab licence from the Taxi-cab Priority List, $3,480.00;

(d) Renewal of a private taxi-cab licence, $210.00;

(e) Transfer of a private taxi-cab licence, $670.00;

(f) Renewal of a public taxi-cab licence, $340.00;

(g) Transfer of a public taxi-cab licence, $670.00;

(h) First issuance of a taxi-cab broker's licence, $400.00;

(i) Renewal of a taxi-cab broker's licence, $270.00;

(j) Issuance of a taxi-cab driver's licence, $50.00;

(k) Filing fee for the initial copy of a limited interest agreement in respect of the first car, $60.00;

(l) Yearly renewal fee for the initial limited interest agreement in respect of the same first car, $60.00;

(m) Filing fee for the initial copy of a limited interest agreement in respect of any additional car, $210.00;

(n) Yearly renewal fee for a limited interest agreement in respect of any additional car, $210.00;

(o) Filing fee for a copy of a notice or an agreement under section 14(5) of Schedule 4, $50.00; (S.4, s.33)

(p) Wheelchair Accessible Taxicab (Interated) - Owner Licence and Renewal, $5.00.

4a. Schedule 4a (Livery Vehicles) : The licence fees for licences under Schedule 4a are as follows:

(a) Livery vehicle owner's licence Class A or B, $210.00;

(b) Livery vehicle driver's licence, $50.00;(S.4a, s.16)

5. Schedule 5 (Cartage Businesses) : The licence fees for licences under Schedule 5 are as follows:

(1) For owners of carts and other animal drawn vehicles used for hire for the conveyance of goods or other material, or for the conveyance of passengers, for each vehicle, $50.00.

(2) For owners and operators of Class "C" licensed cartage vehicles,

(a) Fee for first licence, $290.00;

(b) Fee for each additional licence, $70.00;

(c) Fee for renewal of first or additional licences, $70.00;

(3) For owners and operators of Classes "A", "B", "D", "E", "F" and "G" licensed cartage vehicles, for each licence, $70.00.(S.5, s.10)

6. Schedule 6 (Drive-Self Rental Vehicles) : The licence fee for a licence under Schedule 6 is $200.00. (S.6, s.7)

7. Schedule 7 (Driving Schools and Instructors) : The licence fees for licences under Schedule 7 are as follows:

(a) For a person carrying on the business of a driving school, $50.00;

(b) For a driving school instructor, $50.00.(S.7,s.7)

8. Schedule 8 (Eating Establishments) : The licence fees for licences under Schedule 8 are as follows:

(a) For a restaurant, $20.00.

(b) For a lunch counter, $20.00.

(c) For a refreshment stand, $20.00.

(d) For a drive-in restaurant, $20.00.(S.8,s.4)

9. Schedule 9 (Food Shops) : The licence fee for a licence under Schedule 9 is $10.00.(S. s.3)

10. Schedule 10 (Tow-Trucks) : The licence fees for licences under Schedule 10 are as follows:

(a) For a tow-truck owner's licence, per vehicle, $110.00;

(b) For a tow-truck driver's licence, $50.00. (S.10, s.9)

13. Schedule 13 (Pedlars) : The licence fees for licences under Schedule 13 are as follows:

(1) For a pedlar,

(a) (Repealed, By-law 84-244);

(b) who travels with a push cart, $50.00;

(c) who travels with a motor truck, panel truck or station wagon, $170.00;

(d) who travels on foot with a basket, valise, bag or pack, $50.00.(S.13, s.5)

15. Schedule 15 (Public Halls and Places of Amusement) : The licence fees for licences under Schedule 15 are as follows:

(1) Billiard Room or Pool Room,

(a) for the first table, $70.00;

(b) for each additional table over the first table, $20.00.

(2) Exhibitions for which admission is charged, in other than a licensed theatre or a licensed public hall,

(a) of pictures, paintings, statuary, waxworks or other works of art, or curiosities or other objects of interest, per day, $14.00;

(b) of performing horses, ponies or dogs, per day, $37.00;

(c) of a menagerie or trained animal show, circus riding, wild-west show or other like show usually exhibited by showmen, or a carnival, but not including a circus held in a permanent indoor structure per day, $100.00; and for each side show or other entertainment connected with or associated with each show mentioned in this clause, $37.00;

(cc) of a circus held in a permanent indoor structure, per day, $20.00;

(cd) Provided that the total of the daily fees for exhibitions or circuses do not exceed $500.00.

(d) of a performance of a troupe or company of actors or musicians, or of dramatic or musical performances, for each performance, $14.00;

(e) of boxing, wrestling or other like performance, for each performance, $19.00;

(3) Theatre or moving picture show;

(a) for a drive-in, for each car stand, $30.00;

(b) for other than a drive-in, $270.00;

(4) Arena, $270.00;

(5) Bowling Alley,

(a) for the first and second bed, $60.00;

(b) for each additional bed after the second bed, $10.00.

(6) Pinball or other Amusement Machine Parlours in which are located 4 or more machines,

(a) for 4 machines, $200.00;

(b) for each additional machine in excess of 4 machines, $50.00, provided the licence fee shall not exceed $2,670.00 per premises.

(7) Bingo Parlour having a seating capacity of;

(a) under 300 persons, $70.00;

(b) 300 to 599 persons, $140.00;

(c) 600 to 999 persons, $200.00;

(d) 1,000 or more persons, $270.00.

(8) Bingo Lottery at a bazaar, $10.00.

(9) Public Hall, other than a Bingo Parlour, having a seating capacity of,

(a) under 300 persons, $70.00;

(b) 300 to 599 persons, $140.00;

(c) 600 to 999 persons, $200.00;

(d) 1,000 or more persons, $270.00;

(10) Roller Skating Rinks or like places of amusement, $270.00.

(11) Merry-Go-Round, Switchback Railway, Carousel or other like contrivances including Roller Coaster, for each day, $50.00.

(12) Rebound Tumbling Establishment;

(a) for 20 beds or less, $19.00;

(b) for more than 20 beds, $37.00.

(13) Shooting Gallery, $19.00.(S.15, s.6)

16. Schedule 16 (Refreshment Vehicles) : The licence fee for a licence under Schedule 16 is $110.00. (S.16, s.10)

17. Schedule 17 (Salvage and Second-Hand Goods Businesses) : The licence fees for licences under Schedule 17 are as follows:

(1) Dealers in Second-Hand Goods,

(a) travelling on foot or with hand cart per person or per cart, $20.00;

(b) travelling with animal-drawn wagon, motor truck, panel truck or station wagon per vehicle, $20.00.

(2) Salvage Dealers,

(a) for each cart, $20.00;

(b) for each truck, $20.00.

(3) Salvage Shop or Salvage Yard, $20.00.

(4) Second-Hand Goods Shop, $20.00.(S.17, s.8)

19. Schedule 19 (Sign Posters and Bill Distributors, etc.) : The licence fees for licences under Schedule 19 are as follows:

(1) Bill Distributor, $50.00.

(2) Bill Poster, Advertising Sign Painter, Bulletin Board Painter, Sign Poster, $670.00.(S.19, s.3)

20. Schedule 20 (Tobacco, Cigars and Cigarette Retailers) : The licence fee for a licence under Schedule 20 is $25.00. (S.20, s.6)

21. Schedule 21 (Tourist Camps, Trailer Camps and Motels) : The licence fees for licences under Schedule 21 are as follows:

(1) Tourist Camp, $100.00.

(2) Trailer Camp, $100.00.

(3) Motel, $10.00. (S.21, s.11)

22. Schedule 22 (Transient Vendors) : The licence fees for licences under Schedule 22 are as follows:

(1) Transient Vendor to which subsection (2) does not apply, for a three-month period or part thereof, $500.00

(2) Transient Vendor who is a farmer resident in Ontario offering for sale only the produce of his or her own farm, $5.00.(S.22, ss.8(1))

23. Schedule 23 (Pet Shops) : The licence fee for a licence under Schedule 23 is $50.00. (S.23, s.6)

24. Schedule 24 (Bake Shops) : The licence fee for a licence under Schedule 24 is $10.00. (S.24, s.3)

25. Schedule 25 (Dry Cleaning Establishments, etc.) : The licence fees for licences under Schedule 25 are as follows:

(1) For use of land for the purpose of the business of dry cleaning, dry dyeing or cleaning and pressing including spotting and stain removing, $50.00.

(2) For use of land for the purpose of the business of spotting or stain removing, or for the purpose of receiving articles or goods to be subjected to any such process hereinbefore in this paragraph mentioned, for the purpose of distribution of articles or goods that have been subjected to any such process, or for all or any of such purposes in this clause mentioned, $50.00.(S.25, s.2)

26. Schedule 26 (Storage of Petroleum and Other Dangerous or Inflammable Substances): The licence fees for licences under Schedule 26 are as follows:

(1) Except as provided in paragraph 3, for storage of petroleum, naphtha, or other dangerous or combustible, inflammable or explosive substance in quantities of more than eleven kilograms, $200.00.

(2) (Repealed)

(3) The licence fee shall not exceed $25.00 a month, for every month or part thereof in which such business is carried on. (S.26, s.2)

27. Schedule 27 (Laundries and Laundreterias, etc.) : The licence fees for licences under Schedule 27 are as follows:

(1) For carrying on the business of a laundry, $50.00.

(2) For carrying on the business of a laundreteria or making available to the public the use of any of the following services or machines, namely, washing machines, dryers and dry cleaning machines for use by the public, including coin-operated washing machines, dryers and dry cleaning machines, $50.00. (S.27, s.3)

28. Schedule 28 (Lodging Houses) : The licence fee for a licence under Schedule 28 is $150.00, except a second level lodging house licence, the fee for which is provided under by-law 80-259 as amended. (S.28, s.5)

29. Schedule 29 (Massagists) : The licence fee for a licence under Schedule 29 is $50.00. (S.29, s.3)

30. Schedule 30 (Pawnbrokers) : The licence fee for a licence under Schedule 30 is $210.00. (S.30, s.3)

31. Schedule 31 (Public Baths) : The licence fee for a licence under Schedule 31 is $270.00. (S.31, s.2)

32. Schedule 32 (Public Garages) : The licence fees for licences under Schedule 32 are as follows:

(1) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place where motor vehicles are stored or kept for sale (Garage A), $80.00.

(2) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place used as a motor vehicle repair shop, including body and fender repairs (Garage B1), $50.00.

(3) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place used as a motor vehicle repair shop, except body and fender repairs (Garage B2), $50.00.

(4) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place used as a motor vehicle repair shop for body and fender repairs (Garage B3), $50.00.

(5) For a public garage that is only an automobile service station within the meaning of the provisions of paragraph 154 of section 154 of the Municipal Act, R.S.O. 1990, Chapter M.45, except a retail store not otherwise an automobile station where gasoline or oils are sold in sealed containers only (Garage C), $10.00.

(6) For a public garage, other than an automobile service station as described in subsection (5), that is a parking station or a parking lot (Garage D), $50.00.

Provided that an automobile service station with no more than five parking spaces for hire shall not be deemed to be a parking station or parking lot within the meaning of this section.

(7) For a public garage that is a building or place used for only washing or cleaning motor vehicles or in addition to being an automobile service station as described in subsection (5) (Garage E), $50.00.

Provided that a licensed public garage not having special equipment capable of washing or cleaning more than 15 motor vehicles a day shall not be deemed to be a building or place used for washing or cleaning motor vehicles within the meaning of this section.(S.32, s.10)

40. Schedule 40 (Special Sales) : The licence fees for licences under Schedule 40 are as follows:

(1) For a licence issued upon application expiring in accordance with subsection 8(1) of Schedule 40, per $1,000 of inventory during the first 30 days, $3.00.

(2) For a licence extended in accordance with clause 8(1)(a) of Schedule 40, per $1,000 of inventory during the further 30 days, $3.00.

(3) For a licence extended in accordance with clause 8(1)(b) of Schedule 40, per $1,000 of inventory during the further 30 days, $3.00.

(4) For a licence extended in accordance with clause 8(1)(c) of Schedule 40, per $1,000 of inventory during the further 30 days, $3.00.(S.40, s.14)

41. Schedule 41 (Precious Metals and Old Jewellery Dealers) : The licence fee for a licence under Schedule 41 is $25.00. (S.41, s.4)

42. Schedule 42 (Building Exterior Cleaners) : The licence fee for a licence under Schedule 42 is $130.00. (S.42, s.5)

43. Schedule 43 (Flea Markets) : The licence fees for licences under Schedule 43 are as follows:

(1) For a Flea Market Owner, $420.00.

(2) For a stallholder, $70.00. (S.43, s.10)

Bill No. 76

The Corporation of the City of Hamilton

BY-LAW NO. 92-316

To Amend Various Licensing By-laws Respecting:

FEES

WHEREAS the Corporation of the City of Hamilton enacted By-laws 76-32 (Body Rub Parlours), 79-144 (Adult Entertainment Parlours), 79-323 (The City of Hamilton Licensing Code), and 80-259 (Second Level Lodging Houses) to licence various activities, and to provide fees for licences and other matters;

AND WHEREAS it is desirable to amend fees for 1993;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-laws 76-32, 79-144, 79-323, and 80-259 all as amended, are hereby further amended by repealing therein the dollar amounts of fees as listed in Column 1 of Schedule "A" to this By-law, for those licences and matters as provided in Schedule "A", and replacing each with the corresponding fee as listed in Column 2 of Schedule "A".

2. Schedule "A" is annexed to and forms a part of this By-law.

3. The fee changes made hereby apply to the issuance of licences for 1993 and to other matters arising in the year 1993 as listed in Schedule "A".

4. In all other respects, By-laws 76-32, 79-144, 79-323, and 80-259 are confirmed without change.

5. This By-law comes into force and effect on the date of enactment.

PASSED this *18th* day of *December* **A.D. 1992.**

City Clerk

Mayor

S C H E D U L E "A"

To By-law No. 92-

FEE INCREASES

	USER FEE	Column 1 1992 $	Column 2 1993 $
1a.	Body Rub Parlour Owner or Owner/Operator (ref. 76-32, Schedule 1, ss. 1(a) and (b), Column 2)	$6,350.00	$6,670.00
b.	Body Rub Parlour Operator or Attendant (ref. 76-32, Schedule 1, ss. 1(c) and (d), Column 2)	$ 254.00	$ 270.00
2a)	Adult Entertainment Parlour Owner and Owner/Operator, Classes F, G, H, I, J, and K (ref. 79-144, Schedule 1.00, Columns 2 and 3)	$3,812.00	$4,000.00
b)	Adult Entertainment Parlour Operator not being an Owner, Classes F, G, H, I, J, and K (ref. 79-144, Schedule 1.00, Column 4)	$1,271.00	$1,340.00
c)	Adult Entertainment Parlour Attendant Classes F, G, H, I, J, and K (ref. 79-144, Schedule 1.00, Column 5)	$ 191.00	$ 200.00
3.	Auctioneer and Sales by Public Auction (ref. 79-323, Schedule 1, s.7)	$ 72.00	$ 80.00
4.	Barber and Hairdressing Shop Owner (ref. 79-323, Schedule 2, s.2)	$ 19.00	$ 50.00
5.	Retail Butcher and Fishmonger (ref. 79-323, Schedule 3, s.6)	$ 37.00	$ 50.00
6.	Fishmonger Only (ref. 79-323, Schedule 3, s.6)	$ 24.00	$ 50.00
7.	Taxicabs (ref. 79-323, Schedule 4, s.33):		
	a) Entry on the priority list	$ 56.00	$ 60.00

b) Renewal of placement on the priority list	$ 56.00	$ 60.00
c) First issuance of a private taxi-cab licence	$3,308.00	$3,480.00
d) Renewal of a private taxi-cab licence	$ 193.00	$ 210.00
e) Transfer of a private taxi-cab licence	$ 635.00	$ 670.00
f) Renewal of a public taxi-cab licence	$ 318.00	$ 340.00
g) Transfer of a public taxi-cab licence	$ 635.00	$ 670.00
h) First issuance of a taxi-cab broker's licence	$ 380.00	$ 400.00
i) Renewal of a taxi-cab broker's licence	$ 254.00	$ 270.00
j) Issuance of a taxi-cab driver's licence	$ 28.00	$ 50.00
k) Filing fee for the initial copy of a limited interest agreement in respect of the first car	$ 56.00	$ 60.00
l) Yearly renewal fee for the initial limited interest agreement in respect of the same first car	$ 56.00	$ 60.00
m) Filing fee for the initial copy of a limited interest agreement in respect of any additional car	$ 193.00	$ 210.00
n) Yearly renewal fee for a limited interest agreement in respect of any additional car	$ 193.00	$ 210.00
o) Filing fee for a copy of a notice or an agreement under section 14(5) of Schedule 4	$ 27.00	$ 30.00
p) Wheelchair Accessible Integrated Taxicab	$ 191.00	$ 5.00
Owner - Each Yearly Renewal	$ 191.00	$ 5.00

b) Renewal of placement on the priority list	$ 56.00	$ 60.00
c) First issuance of a private taxi-cab licence	$3,308.00	$3,480.00
d) Renewal of a private taxi-cab licence	$ 193.00	$ 210.00
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l) Yearly renewal fee for the initial limited interest agreement in respect of the same first car	$ 56.00	$ 60.00
m) Filing fee for the initial copy of a limited interest agreement in respect of any additional car	$ 193.00	$ 210.00
n) Yearly renewal fee for a limited interest agreement in respect of any additional car	$ 193.00	$ 210.00
o) Filing fee for a copy of a notice or an agreement under section 14(5) of Schedule 4	$ 27.00	$ 30.00
p) Wheelchair Accessible Integrated Taxicab	$ 191.00	$ 5.00
Owner - Each Yearly Renewal	$ 191.00	$ 5.00

8.	Livery Vehicles (ref. 79-323, Schedule 4a, s.16):		
	a) Livery vehicle owner's licence or renewal, Class A or B	$ 193.00	$ 210.00
	b) Livery vehicle driver's licence or renewal	$ 28.00	$ 50.00
9.	Cartage Businesses (ref. 79-323, Schedule 5, s.10):		
	a) For owners and operators of Class "C" licensed cartage vehicles,		
	(i) Fee for first licence,	$ 276.00	$ 290.00
	(ii) Fee for each additional licence,	$ 66.00	$ 70.00
	(iii) Fee for renewal of first or additional licences,	$ 66.00	$ 70.00
	b) For owners and operators of Classes "A", "B", "D", "E", "F" and "G" licensed cartage vehicles, for each licence or renewal	$ 66.00	$ 70.00
10.	Owner of business supplying Drive-Self Rental or Cartage Vehicles. (ref. 79-323, Schedule 6, s.7)	$ 191.00	$ 200.00
11a)	Driving School Operator	$ 50.00	$ 50.00
b)	Driving School Instructor	$ 19.00	$ 50.00 (maximum)
(ref. 79-323, Schedule 7, s.7)			
12.	Eating Establishments (ref. 79-323, Schedule 8, s.4) :		
	a) Restaurant	$ 20.00	$ 20.00
	b) Lunch Counter	$ 20.00	$ 20.00
	c) Refreshment stand	$ 15.00	$ 20.00
	d) Drive-in restaurant	$ 20.00	$ 20.00

13.	Food Shop (ref. 79-323, Schedule 9, s.3)	$ 10.00	$ 10.00
14a)	Tow-truck owner, per vehicle	$ 100.00	$ 110.00
b)	Tow-truck driver (ref. 79-323, Schedule 10, s.9)	$ 30.00	$ 50.00
15a)	Pedlar who travels with a push cart	$ 5.00	$ 50.00
b)	Pedlar who travels with a motor truck, panel truck or station wagon	$ 159.00	$ 170.00
c)	Pedlar who travels on foot with a basket, valise, bag or pack (ref. 79-323, Schedule 13, s.5)	$ 43.00	$ 50.00
16.	Public Halls and Places of Amusement (ref. 79-323, Schedule 15, s.6):		
	a) Billiard Room or Pool Room for the first table	$ 66.00	$ 70.00
	b) and for each additional table over the first table	$ 18.00	$ 20.00
	c) Exhibitions for which admission is charged, in other than a licensed theatre or a licensed public hall,		
	(i) of a menagerie or trained animal show, circus riding, wild-west show or other like show usually exhibited by showmen, or a carnival, but not including a circus held in a permanent indoor structure per day;	$ 100.00 (day) ($500.00 Max)	$ 100.00 (day) ($500.00 Max)
	(ii) of a circus held in a permanent indoor structure, per day	$ 20.00	$ 20.00
	d) Theatre or moving picture show for other than a drive-in	$ 254.00	$ 270.00
	e) Arena	$ 254.00	$ 270.00

f)	Bowling Alley,		
	(i) for the first and second bed	$ 54.00	$ 60.00
	(ii) for each additional bed after the second bed	$ 7.00	$ 10.00
g)	Pinball or other Amusement Machine Parlours in which are located 4 or more machines,		
	(i) for 4 machines,	$ 156.00	$ 200.00
	(ii) for each additional machine in excess of 4 machines,	$ 39.00	$ 50.00
	(iii) provided the licence fee shall not exceed $2,541.00 per premises.		$2,670.00
h)	Bingo Parlour having a seating capacity of;		
	(i) under 300 persons,	$ 66.00	$ 70.00
	(ii) 300 to 599 persons,	$ 128.00	$ 140.00
	(iii) 600 to 999 persons,	$ 191.00	$ 200.00
	(iv) 1,000 or more persons,	$ 254.00	$ 270.00
i)	Public Hall, other than a Bingo Parlour, having a seating capacity of,		
	(i) under 300 persons,	$ 66.00	$ 70.00
	(ii) 300 to 599 persons,	$ 128.00	$ 140.00
	(iii) 600 to 999 persons,	$ 191.00	$ 200.00
	(iv) 1,000 or more persons,	$ 254.00	$ 270.00
j)	Roller Skating Rinks or like places of amusement,	$ 254.00	$ 270.00

	k) Merry-Go-Round, Switchback Railway, Carousel or other like contrivances including Roller Coaster, for each day	$ 19.00	$ 50.00
17.	Refreshment Vehicles, motorized or pedal powered, each (ref. 79-323, Schedule 16, s.10)	$ 103.00	$ 110.00
18.	Salvage and Second-Hand Goods (ref. 79-323, Schedule 17, s.8) :		
	a) Dealer in Second-Hand Goods travelling on foot or with hand cart	$ 5.00	$ 20.00 per person or cart
	b) Dealer in Second-Hand Goods travelling with animal-drawn wagon, motor truck, panel truck or station wagon	$ 10.00	$ 20.00 per vehicle
	c) Salvage Dealers for each cart	$ 15.00	$ 20.00
	d) Salvage Dealer for each truck	$ 20.00	$ 20.00
	e) Salvage Shop or Salvage Yard	$ 20.00	$ 20.00
	f) Second-Hand Goods Shop	$ 20.00	$ 20.00
19a)	Bill Distributor	$ 29.00	$ 50.00
b)	Bill Poster, Advertising Sign Painter, Bulletin Board Painter, Sign Poster (ref. 79-323, Schedule 19, s.3)	$ 635.00	$ 670.00
20.	Tobacco, Cigar and Cigarette Retailer (ref. 79-323, Schedule 20, s.6)	$ 25.00	$ 25.00
21a)	Transient Vendor, other than a farmer below, for a three-month period or part thereof,	$ 500.00	$ 500.00
22.	Pet Shop Keeper (ref. 79-323, Schedule 23, s.6)	$ 29.00	$ 50.00
23.	Bake Shop Owner or Operator (ref. 79-323, Schedule 24, s.3)	$ 10.00	$ 10.00

24.	Dry Cleaning Establishments (ref.79-323, Schedule 25, s.2) :		
	a) Dry cleaning, dry dyeing or cleaning and pressing, including spotting and stain removing	$ 43.00	$ 50.00
	b) Collection or pick up of cleaning only, but including spotting or stain removal	$ 24.00	$ 50.00
25.	Laundries and Laundreterias, etc. (ref.79-323, Schedule 27, s.3) :		
	a) Laundries	$ 43.00	$ 50.00
	b) Laundreteria or public washing or drying machines	$ 37.00	$ 50.00
26.	Lodging House Keeper (not including second level lodging) (ref. 79-323, Schedule 28, s.5)	$ 140.00	$ 150.00
27.	Massagist (ref. 79-323, Schedule 29, s.3)	$ 43.00	$ 50.00
28.	Pawnbroker (ref. 79-323, Schedule 30, s.3)	$ 200.00	$ 210.00
29.	Keeper of Public Bath (ref. 79-323, Schedule 31, s.2)	$ 254.00	$ 270.00
30.	Public Garages (ref. 79-323, Schedule 32, s.10):		
	a) Garage Class A	$ 72.00	$ 80.00
	b) Garage Class B1	$ 37.00	$ 50.00
	c) Garage Class B2	$ 24.00	$ 50.00
	d) Garage Class B3	$ 24.00	$ 50.00

	e) (5) For a public garage that is only an automobile service station within the meaning of the provisions of paragraph 154 of section 154 of the Municipal Act, R.S.O. 1990, Chapter M.45, except a retail store not otherwise an automobile station where gasoline or oils are sold in sealed containers only (Garage C),	$ 10.00	$ 10.00
	f) Garage Class D	$ 29.00	$ 50.00
	g) Garage Class E	$ 29.00	$ 50.00
31.	Special sales licence or extension of licence, per $1,000 of inventory (ref. 79-323, Schedule 40, s.14)	$ 3.00	$ 3.00
32.	Precious Metals and Old Jewellery Dealer (ref. 79-323, Schedule 41, s.4)	$ 25.00	$ 25.00
33.	Building Exterior Cleaner (ref. 79-323, Schedule 42, s.5)	$ 116.00	$ 130.00
34a)	Flea Market Owner	$ 400.00	$ 420.00
b)	Stallholder at a Flea Market (ref. 79-323, Schedule 43, s.10)	$ 61.00	$ 70.00
35a)	Second Level Lodging House, 4 to 10 residents (ref. 80-259, ss. 2(2))	$ 133.00	$ 140.00
b)	Second Level Lodging House, 10 or more residents (ref. 80-259, ss. 2(2))	$ 266.00	$ 280.00

Bill No. H-11

The Corporation of the City of Hamilton

BY-LAW NO. 93- *043*

To Amend:

Schedule 4 of Licensing By-law No.79-323

Respecting:

INTERIOR ADVERTISING IN TAXI-CABS

AND WHEREAS taxi-cabs are licensed, regulated and governed by Schedule 4 to Licensing By-law No. 79-323 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 3 of the 22nd Report of the Finance and Administration Committee, at its meeting held on the 10th day of November, 1992, directed that Schedule 4 of By-law No. 79-323 be further amended to allow additional interior advertising in taxi-cabs as hereinafter provided;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 19 of section 12 of Schedule 4 of Licensing By-law No. 79-323 is amended by adding the following as sub-paragraph (1a), immediately after sub-paragraph (1):

"(1a) One interior display unit placed on the ceiling, not exceeding 41 centimetres high by 122 centimetres wide, and which does not obstruct access to the vehicle, the drivers view of traffic, or the visibility of the photo identity card, meter, licence and tariff card; and"

2. In all other respects By-law No. 79-323 as amended, is hereby confirmed without change.

PASSED this *23rd* day of *February* A.D 199**3**.

City Clerk

Mayor

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